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Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is presented to the Council and its Working Group on Children and Armed Conflict as the third country report on the situation of children and armed conflict in the Democratic Republic of the Congo. The report covers the period from June 2007 to September 2008. It focuses on areas of the country in which armed groups are still active, notably the Ituri district, the provinces of North and South Kivu and North Katanga.

The report notes the decrease in the number of allegations of grave violations against children in the reporting period, while indicating that children are still the primary victims of the ongoing conflict in affected areas. It stresses the continued recruitment and use of children by armed forces and groups, particularly in connection with outbreaks of hostilities in some areas. The report also raises concerns about the re-recruitment of children, due in part to insufficient support from earlier disarmament, demobilization and reintegration processes. Widespread incidents of rape and other sexual violence against girls and boys remains of critical concern. The report identifies both State and non-State parties responsible for grave violations against children.

There has been some progress in the implementation of a national action plan on disarmament, demobilization and reintegration of children, as well as follow-up and the programmatic response to all six grave violations (see A/59/695-S/2005/72, para. 68). There has also been a commitment by the Government of the Democratic Republic of the Congo to address impunity for violations against children as demonstrated by a number of prosecutions of perpetrators by national military and civil judicial mechanisms.

The report contains a series of action-oriented recommendations with a view to strengthening cooperation and the child protection framework in the Democratic Republic of the Congo and to address critical cross-border concerns for children affected by armed conflict in the subregion.

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I. Introduction

1. The present report, submitted pursuant to Security Council resolution 1612 (2005), covers the major developments related to the situation of children and armed conflict in the Democratic Republic of the Congo since my last report, dated 28 June 2007 (S/2007/391). The information for this report has been gathered, verified and compiled by the country Task Force on Monitoring and Reporting in the framework of Security Council resolution 1612 (2005), and covers the period from June 2007 to September 2008. The report focuses on the areas of the country in which armed groups are still active, notably the Ituri district, the provinces of North and South Kivu and north Katanga province. Access to all areas in these provinces for monitoring purposes remains limited.

II. Political, military and social developments in the Democratic Republic of the Congo

2. On 9 November 2007, the Governments of the Democratic Republic of the Congo and Rwanda met in Nairobi and agreed on a common approach to end the threat posed to peace and stability in both countries and the Great Lakes region of Africa. Both Governments reaffirmed their commitment to cooperate fully and to implement a common approach in order to dismantle the former Rwandan Armed Forces (ex-FAR)/Interahamwe/Forces démocratiques de libération due Rwanda (FDLR).

3. On 24 May 2008, the former Vice-President of the Democratic Republic of the Congo and Senator Jean Pierre Bemba (leader of the Mouvement de libération du Congo (MLC) was arrested in Belgium by the Belgian authorities in accordance with an arrest warrant of the International Criminal Court and on 3 July 2008 was transferred to The Hague.

4. In June and July 2008, the National Assembly of the Democratic Republic of the Congo adopted the draft amnesty law for North and South Kivu, as agreed at the Conference on Peace, Security and Development in the Kivus, held in Goma from 6 to 23 January 2008. According to the draft law, amnesty will be granted for crimes of insurrection and acts of war committed in North and South Kivu after June 2003. It is important to note, however, that the draft law does not provide amnesty for genocide, war crimes or crimes against humanity. On 15 July 2008, the Senate adopted the draft law on the protection of children. However, the draft law still needs to pass the *Commission paritaire mixte* (Joint Consultative Commission) and the National Assembly before final adoption and promulgation. The draft law includes child-friendly procedures and notably provides for severe penalties for acts of sexual violence and physical abuse and for recruitment or use of children by armed forces and groups.

A. Oriental province

5. In Ituri, the security situation improved following the implementation of the third phase of the disarmament, demobilization and reintegration programme conducted between 4 August and 18 October 2007. The programme targeted the former armed elements not eligible for the national disarmament, demobilization

and reintegration programme who belonged to the remaining three militia groups still active in the Ituri district, namely the Front nationaliste et intégrationniste (FNI), led by Peter Karim, the Forces de résistance patriotique en Ituri (FRPI), led by Cobra Matata, and the Mouvement révolutionnaire Congolais (MRC), led by Mathieu Ngudjolo. FNI and FRPI splinter groups who refused to disarm continued to be a source of insecurity in the area. The FRPI still maintains an operational capacity, is reportedly recruiting new combatants and carried out attacks in Ituri district in late September 2008.

6. The Front populaire pour la justice au Congo (FPJC) under the command of Colonel Sharif Manda, which was formed out of factions of Ituri rebel groups that refused to disarm, is responsible for new outbreaks of fighting and insecurity in the region.

7. The number of displaced people in Ituri has been consistently decreasing since the beginning of 2007. However, since January 2008, 44,000 new internally displaced persons have been registered in the area, mainly in the territories of Djugu and Irumu, amounting to a total of 61,000 people. It is estimated that an additional 15,000 to 20,000 people have been displaced to non-accessible zones since September 2008.

8. In Haut Uele district, the Lord's Resistance Army (LRA) reportedly attacked up to 16 localities in Dungu territory between 17 September and 4 October 2008. Following these attacks, allegations of a large number of abductions, including of children, the burning of houses and schools and of other grave human rights violations were documented. According to the Office of the United Nations High Commissioner for Refugees, as many as 50,000 people have been forced to flee their homes as a result of the attacks.

B. The Kivus

9. In North Kivu, the security situation deteriorated significantly in late 2007. Clashes between the Forces armées de la République démocratique du Congo (FARDC) and the Congrès national pour la défense du peuple (CNDP), the politico-military group led by the dissident Laurent Nkunda, intensified in December 2007 and the beginning of January 2008. There are an estimated 875,000 internally displaced persons in North Kivu province, including 155,000 new internally displaced persons since January 2008. This represents an increase of about 45 per cent over the number of cases registered the preceding year. The recurrent armed clashes in the province have led to continuous waves of population displacement, which have affected approximately 150,000-180,000 persons since late August 2008. In South Kivu, the number of internally displaced persons has also increased since mid-2007 owing to the influx of internally displaced persons from North Kivu to a total of 310,000, including 60,000 new internally displaced persons since January 2008. As at September 2008, internally displaced persons from North Kivu were estimated at 65,000 persons.

10. The Conference on Peace, Security and Development in the Kivus took place in Goma from 6 to 23 January 2008 with active engagement and support from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other international partners. The Conference brought together more than 1,400 participants, including representatives of various Congolese armed

groups, FARDC, political parties, civil society and the international community. Two statements of commitment (*actes d'engagement*), for North and South Kivu, were adopted by all the 19 participating Congolese armed groups, including CNDP and Banyamulenge insurgents from South Kivu, represented by the Forces républicaines et fédéralistes (FRF). The signatories committed, among other things, to undergo disarmament, demobilization and reintegration and to facilitate the return of internally displaced persons. A Mixed Technical Commission on Peace and Security was established to monitor the implementation of the statements of commitment and the Nairobi communiqué of 9 November 2007 (see S/2007/679, annex).

11. On 3 April 2008, the Amani programme, which monitors the execution of the commitments contained in the statements of commitment for North and South Kivu was launched. The programme aims to bring all remaining armed elements into the *brassage* process, disarmament, demobilization and reintegration or disarmament, demobilization, reintegration and resettlement or repatriation. Provisions to secure the release of children have been included in the programme strategy.

12. The Conference on Peace, Security and Development in the Kivus provided an important opportunity for Child Protection actors to put on the agenda the issue of recruitment and use of children and the need to separate all children from armed groups as a matter of priority, as well as to address the issue of sexual violence.

13. Since 28 August 2008, the security situation has deteriorated, with heavy fighting between CNDP and FARDC in parts of North and South Kivu. Anecdotal evidence from children who escaped during these hostilities indicates that children are used by CNDP, including on the front lines.

C. Bas-Congo

14. In Bas-Congo the political and security situation has improved since the violent clashes between the Congolese National Police and Bundu Dia Kongo (BDK) in February and March 2008. On 28 February 2008, the Government of the Democratic Republic of the Congo launched an operation to restore State authority in sensitive areas in Bas-Congo and it is reported that at least 100 persons, principally members of BDK, were killed during this operation. Several cases of summary execution are under investigation, with a number of children apparently among the victims. Allegedly several children were included in the ranks of BDK militants and some of them face judicial charges because of their active participation in clashes with the authorities. The tendency on the part of the authorities to respond to political challenges with a disproportionate use of force remains a concern.

D. North Katanga

15. Movements of CNDP and Mayi-Mayi combatants from North Kivu into the Kamina *brassage* centre have complicated the security situation in Katanga. Delays in the disarmament, demobilization and reintegration process resulted in a violent clash in the *brassage* centre in February 2008, which left 37 people injured. Mayi-Mayi ex-combatants and armed groups from the Mitwaba, Pweto and Manono areas also continue to threaten security.

III. Grave violations against children: incidents and trends

16. Overall there has been a decrease in the number of allegations of grave violations against children with the improved security situation in many areas. However, in the Kivus, despite the signing of the statements of commitment, grave violations continue to be reported, with 63 per cent of the alleged violations attributed to armed elements of the remaining Mayi-Mayi groups, militias and foreign armed elements. Members of the Congolese security forces, notably the armed forces and the police, continued to perpetrate grave violations against children, and are allegedly responsible for 29 per cent (FARDC) and 8 per cent (police) of documented cases.

17. The outbreak of renewed fighting in North Kivu and parts of Oriental province, notably in Ituri district and Dungu territory, in September and October 2008 has led to a resurgence of incidents of violations against children. This is posing serious challenges for the implementation of the reform of the security sector and the comprehensive strategy for stability and security.

18. The events and violations committed after September 2008 will be documented and reported in the subsequent report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo.

A. Recruitment and use of children in armed forces and groups

19. In most cases, the recruitment of children is directly related to active conflict, with new outbreaks of hostilities typically resulting in higher trends in child recruitment. Therefore, the recruitment of children fluctuated throughout the reporting period with significant disparities across regions. For instance, child recruitment intensified at the end of 2007 and since September 2008 as fighting between FARDC and CNDP forces escalated, with some spillover effect into South Kivu. Reports of new recruitment have also resurfaced in the Ituri district, coinciding with heightened activities by splinter groups of the FNI and FRPI militia groups and FPJC.

20. It is estimated that at least 3,500 children remain in armed groups, a figure that is likely to have risen since 28 August 2008. More than 31,000 children have been released since 2004. On the basis of documented cases of children released during the reporting period, Mayi-Mayi groups account for the highest number of children in their ranks, followed by CNDP.

21. Although FARDC have reportedly stopped recruiting children, documented cases indicate that children are still present, especially in the non-integrated brigades as a result of the *mixage* process in early 2007. In some instances, children released from integrated FARDC brigades were found carrying FARDC identification cards. Difficulties in the systematic identification of children before armed groups were transferred to the *brassage* centres has resulted in a de facto integration of children into the FARDC.

22. Despite hopes for the implementation of the statements of commitment in the Kivus, it appears that recruitment of children is being used to take advantage of potential military and financial benefits from the disarmament, demobilization and

reintegration or *brassage* process. A perception exists that the more troops commanders bring into the process, the more benefits they will receive.

1. Ituri

23. In Ituri, following the surrender of FRPI, FNI and MRC militia leaders during the third phase of the disarmament, demobilization and reintegration process, no recruitment of minors was confirmed. Nonetheless, FNI and FRPI splinter groups that refused to disarm continued to create insecurity and might still represent a threat for recruitment of minors.

2. The Kivus

24. In contrast to the national trend, child recruitment increased in North Kivu, especially by the end of 2007 and since September 2008 as a result of clashes between FARDC and CNDP forces. In the Kivus alone, reports showed a 38 per cent increase in recruitment as compared with the preceding year. Documented cases indicate an increase in recruitment by Mayi-Mayi armed elements, CNDP and FDLR during this period. Although no cases of recruitment by the Ugandan armed group Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) were reported, a small number of children in North Kivu who reportedly escaped from ADF/NALU confirmed that there were more children at the ADF/NALU base in Tchutchubu.

25. In North Kivu, after the signing of the statements of commitment, a large number of children were released or were able to escape seeking assistance from MONUC or FARDC. Some of these children reported that they had been recruited in January and February 2008.

26. The Union des patriotes résistants pour le développement (UPRDI), a splinter group of the Coalition des patriotes résistants congolais (PARECO) of South Kivu, is allegedly recruiting in the territory of Kalehe (Hauts Plateaux area). This recruitment campaign reportedly began after the Conference on Peace, Security and Development in the Kivus and appears to be targeting ex-combatants, including children, for whom there has been poor reintegration support from the earlier disarmament, demobilization and reintegration process. In the southern part of South Kivu province, allegations of child recruitment by FRF have also been reported since March 2008.

27. Allegations of recruitment by the Mudundo Forty forces among South Kivu Mayi-Mayi groups, signatories to the statements of commitment, were also reported.

3. North Katanga

28. No child recruitment was documented in North Katanga during the reporting period.

29. Serious concerns have been raised regarding the arrest of children formerly associated with armed groups. Children have been arrested during military operations, or intercepted when escaping, ending up in military holding cells. Such activities were mostly reported in the Kivu provinces. Interviewed children reported that they were subjected to cruel, degrading and inhumane treatment by FARDC while in detention.

30. On 30 July 2007, a 16-year-old boy was arrested and detained by the national police of Luvungi (South Kivu) for desertion. The boy reported that he had spontaneously left the ranks of Colonel Abdou Panda at the end of 2006 and had since returned to his village. The boy was released on 6 August 2007.

31. On 19 March 2008, 31 children illegally detained since early December 2007 were released after being arrested by FARDC in North Kivu and transferred to Kinshasa to be held by the Détection militaire des activités anti-patrie (DEMIAP), the military intelligence service. Among those 31 children accused of anti-patriotic acts, 16 were from Rwanda, one from Burundi and 14 from the Democratic Republic of the Congo. While some of the children confirmed their association with various armed groups in the Kivus, 20 of them had no apparent link with any armed group. Three other children were later released and reunited with their families with support from the International Committee of the Red Cross in Burundi and Rwanda.

B. Abductions

32. Despite a decrease in abductions reported by child protection partners, reports nevertheless indicate that children are still being abducted for recruitment, sexual exploitation and forced labour by armed groups. Several cases of temporary illegal detentions by the security forces or by military justice authorities were also recorded.

33. For instance, in late December 2007, three girls aged between 12 and 14 years were reportedly abducted by FDLR/Forces combattantes abacunguzi (FOCA) in Rutshuru territory (North Kivu) and forced to become spouses of FDLR commanders. The three girls managed to escape from the armed group and sought assistance from MONUC on 15 March 2008.

34. From May to June 2008, six cases of abduction of children were reported by child protection partners in South Kivu and in Oriental province. In five of those cases, the suspected perpetrators belonged to FARDC integrated and non-integrated brigades, while in one case the suspect was a Mayi-Mayi element.

35. Reports of a significant number of abducted children have been received following the LRA attacks on 16 villages in Haut Uele district in Oriental province at the end of September and early October 2008. However, verification of the exact number remains difficult owing to the poor security situation.

C. Killing and maiming of children

36. A decrease in incidents of killing and maiming of children was registered during the reporting period due primarily to a reduction in military operations. Nevertheless, children continue to be victims of attacks and of clashes between various armed groups and FARDC. Most of the cases documented in the reporting period relate to the intense period of fighting in North Kivu at the end of 2007 and the beginning of 2008. However, in June and July 2008, 10 cases of children allegedly being killed by security forces (the Congolese National Police) and armed groups (Mayi-Mayi and CNDP) were reported in North Kivu and in Oriental province.

37. On 10 November 2007, a baby girl (below the age of one) was reportedly killed and a 12-year-old girl wounded during a CNDP attack on Lushebere (Masisi territory, North Kivu).

38. On 7 December 2007, two children were allegedly killed in Munguli village (Rutshuru) together with three adults during an attack by PARECO elements that reportedly targeted families of Tutsi origin.

39. On 10 May 2008, a child formerly associated with PARECO was allegedly shot dead by a policeman during a demonstration led by children formerly associated with armed groups awaiting family reunification in Lubero. Three other children were reportedly injured during this incident.

D. Rape and grave sexual violence

40. Widespread sexual violence in the Democratic Republic of the Congo remains a grave concern. Whereas FARDC soldiers, officers of the Congolese National Police and elements of armed groups represented a majority of the alleged offenders in regions of active conflict, a significant number of reported incidents of sexual violence were also attributed to civilians in a climate of impunity and absence of rule of law.

41. Trends at the provincial level suggest that an extremely high rate of new cases persists in the context of the conflict in the Kivus, while the number of reported cases in post-conflict zones seems to have decreased.

42. In the period from June 2007 to the end of June 2008 in Ituri, out of 6,766 cases reported and assisted by partners of the United Nations Children's Fund (UNICEF), 2,893 were children (43 per cent): 2,516 girls and 377 boys. In cases of child rape, 42 per cent of the perpetrators were members of the security forces or armed groups and 58 per cent were civilians.

43. During the same period in North Kivu, out of 4,770 cases assisted by UNICEF partners, 1,821 were children (38 per cent): 1,794 girls and 27 boys. For cases of rape of children, 70 per cent of the perpetrators were members of the security forces or armed groups and 30 per cent of the perpetrators were civilians.

44. In South Kivu, out of 6,242 cases of sexual violence reported and assisted by UNICEF partners, 803 were children (13 per cent): 798 girls and 5 boys. For cases of child rape, 45 per cent of the perpetrators were members of the security forces or armed groups and 55 per cent were civilians.

E. Attacks on schools and hospitals

45. An increase in attacks against schools and hospitals was observed as compared with the preceding reporting period. Most of these attacks reportedly occurred during the September 2007 to January 2008 crisis in North Kivu and were often associated with reports of child recruitment in areas controlled by CNDP and Mayi-Mayi. As FARDC reinforced its positions, cases of looting of schools and health institutions were attributed to FARDC elements in Ituri and the Kivus.

46. On 6 September 2007, the alleged sabotage of a generator supplying electricity to the medical centres of Rutshuru, Kiwanja and Rubare was reported to child

protection partners. The sabotage was allegedly perpetrated by the FARDC non-integrated Bravo Brigade under the command of Colonel Makenga and apparently resulted in the death of 10 premature infants in the Rubare health centre and one in the Kiwanja health centre.

47. On 7 November 2007, a health centre in Mweso (Masisi territory, North Kivu) was reportedly looted during clashes between CNDP and Mayi-Mayi PARECO. All medicines and medical materials were stolen and the health centre had to interrupt a measles vaccination campaign.

48. On 21 April 2008, elements of the FARDC Fourteenth Integrated Brigade reportedly looted the primary school "Mana" of Chirunga (territory of Kabare, South Kivu).

49. During LRA attacks on villages in Haut Uele district, Oriental province in September 2008 at least three schools were attacked and destroyed.

F. Denial of humanitarian access

50. Humanitarian access to populations has been seriously affected during the reporting period, in particular in late 2007 and since mid-2008 as a result of renewed fighting and an increase in direct attacks on international humanitarian actors.

51. Between July and December 2007, access to populations in need was hampered by clashes and military operations. In North Kivu for example, on the Goma-Rutshuru axis, at least 100,000 people were left without humanitarian assistance because of lack of access. Following several months during which the level of insecurity and violence in the region significantly hindered the free movement of humanitarian actors, operations and access to affected population improved in February and March 2008.

52. In March and April 2008, four grave security incidents targeting international non-governmental organizations (NGOs) perpetrated by unidentified armed elements were reported in the Kalehe, Uvira and Fizi territories in South Kivu. As a result, international NGOs suspended humanitarian activities in those areas.

53. On 26 June 2008, the World Food Programme (WFP) issued a communiqué declaring that WFP assistance to internally displaced persons in Rutshuru territory was temporarily suspended for two days following a violent demonstration on 23 and 24 June against MONUC at Rutshuru and Kiwanja, which included the looting of a WFP truck. WFP stated that the distribution of aid relief to some 3,400 families in the Nyanzale area had been affected.

54. On 8 July 2008, an NGO humanitarian convoy of four vehicles was attacked and looted by unidentified armed men on the Burai-Bunagana axis (Rutshuru territory).

55. At the end of July 2008, as a result of several serious attacks against humanitarian convoys, three international humanitarian organizations working in the Masisi centre temporarily suspended their movements from and to Masisi. As a consequence, assistance to more than 186,000 people, among them 33,000 displaced persons in camps and thousands of others living in host families, was severely affected.

56. Since July 2008, an additional 10 to 15 violent attacks have been carried out against international humanitarian organizations in North Kivu, including by Mayi-Mayi in Burai and Mema on the Masisi axis, in Virundo (Lubero territory) and in Nyanzale by FARDC soldiers. Furthermore, along the Minova-Kalehe axis in South Kivu, near the border with North Kivu, a MONUC convoy evacuating humanitarian personnel from Minova in August 2008 was continuously attacked by Mayi-Mayi to the extent that the humanitarian personnel had to abandon the convoy. This followed another violent attack on the offices of an international NGO in Minova by Mayi-Mayi elements in March 2008.

57. Ituri district has also witnessed a serious decline in security for humanitarian actors with three attacks on international organizations since September 2008 in Fataki and Nizi, with one national staff member killed and numerous injuries inflicted with machetes.

IV. Dialogue and action plans

A. National action plan on disarmament, demobilization and reintegration of children

58. The national demobilization body, the Commission nationale de désarmament, démobilization et réinsertion (CONADER) was dissolved by presidential decree on 14 July 2007 and replaced by a new governmental body, the *Unité d'exécution du programme national de désarmement, démobilisation et réinsertion* (UEPNDDR). The Operational Framework for Children Associated with Armed Forces and Groups, adopted in May 2004, continues to be used as the framework for the implementation of the National Demobilization, Disarmament and Reintegration Programme (PNDDR). The national army integration process, called *brassage*, has more or less stalled since the implementation of the *mixage* (integration) process in North Kivu in 2007 between FARDC and CNDP troops. Troops from non-integrated brigades selected to be incorporated into the national army have yet to be processed or to release children still within their ranks.

59. On 3 June 2008, in eastern Democratic Republic of the Congo, the MONUC Child Protection Section and UNICEF met with the Mixed Commission on Peace and Security set up under the Amani programme. As a result, a process was established to provide assistance and facilitate the release of children from North and South Kivu armed groups. Three joint missions have taken place so far in North Kivu, leading to the release of a total of 66 children, including one girl, from Mayi-Mayi Kasidiens (12), Mayi-Mayi Mongol (44), PARECO (1) and CNDP (9). Two joint missions in South Kivu led to the release of fewer than 10 children.

60. Capitalizing on the statements of commitment, plans have been established with signatories to facilitate the release of children in their groups. Since January 2008, only 75 children in the Kivus have been officially handed over to child protection agencies. However, with the distribution of child protection sensitization cards among minors by MONUC mobile operating bases, over 500 children sought protection from MONUC military units after having escaped from armed forces and groups.

61. Additional funding was allocated to support the reintegration of an estimated 9,000 children through the Multi-Country Demobilization and Reintegration Program, complementing the ongoing efforts by child protection partners. Funding should support the reintegration of pending cases and facilitate the reintegration of children who are expected to be released soon.

62. On 16 June 2008, the Executive Committee of UEPNDDR, in collaboration with UNICEF and MONUC, launched a nationwide advocacy campaign to call for the release of all children still associated with armed forces and groups. The campaign, called "Zero children associated with armed forces and groups", targets leaders of armed groups, civil society, political actors and affected populations.

B. Dialogue with parties to the conflict and other action plans

1. General coordination on protection issues (protection cluster)

63. The Child Protection Working Group was launched in Goma on 5 October 2007 and in Bukavu and Bunia in early 2008. Under the joint leadership of UNICEF and the MONUC Child Protection Section, working groups have been established in order to bring together in one forum child protection actors and partners working in areas affected by conflict in order to facilitate the development and coordination of child protection strategies and responses, including the development of contingency plans and advocacy with authorities.

2. Sexual violence

64. An accelerated common action plan to combat sexual and gender-based violence, aimed at bridging gaps and ensuring full coordination of United Nations interventions, is being developed. MONUC continues to focus its interventions on FARDC and Congolese National Police personnel. Incidents of sexual violence are monitored and reported within the framework of MONUC's monthly report on serious human rights violations by members of the armed forces, which is transmitted to the Ministry of Defence. Cases of ill-discipline and harassment of the population are also collated and sent on a monthly basis to the Chief of Defence Staff. A continuous reporting mechanism has also been established within MONUC's military component to report on the involvement of recently trained battalions in any act of sexual violence.

65. In May 2008, a senior adviser and coordinator on sexual violence was assigned to the Office of the Deputy Special Representative of the Secretary-General in MONUC in order to support and strengthen the efforts of the United Nations to combat sexual and gender-based violence in the Democratic Republic of the Congo. The primary focus of the activity of the United Nations in this area is to strengthen the capacity of the Government to play the leading role in preventing sexual violence based on a plan that includes a concerted campaign to raise awareness and provide civic education; targeted advocacy; better referral services and greater access to multisectoral assistance for victims, with improved reporting and data management; training and capacity-building at the national and community levels for enhanced protection and response to sexual violence; and rigorous and timely investigation and prosecution of crimes of sexual violence in order to address impunity.

66. In North Kivu, a sexual violence working group led jointly by the United Nations Population Fund and UNICEF was established to coordinate emergency prevention and response efforts in camps for internally displaced persons and other highly insecure areas.

67. In January 2008, the Government announced the establishment of a thematic group on sexual violence to add further clarity and direction in terms of collaboration with the international community.

68. Data suggest that approximately 69 per cent of reported victims of sexual violence countrywide receive some medical assistance, while some 73 per cent receive psychosocial support, 14 per cent receive assistance with reinsertion in their communities, while only 7 per cent receive support in seeking legal redress. However, such data must be further analysed, as obtaining reliable statistics on sexual violence is fraught with challenges.

V. Follow-up and programmatic response to violations

69. In December 2007, the country Task Force on Monitoring and Reporting issued a statement indicating that, since June 2007, a significant number of children had been recruited in the schools in the Masisi and Rutshuru territories in North Kivu, calling on CNDP to immediately and unconditionally release children still in their ranks.

70. In compliance with the 10 December 2007 directive from the Minister for Defence, the first FARDC committee charged with examining and following up on cases of human rights violations perpetrated by members of the armed forces was created in Kinshasa, followed by the establishment of a committee in the Ituri district. It is expected that an additional committee will soon be established in Kasai Occidental province. The Ministry of Defence has also established a military operational court in North Kivu to prosecute serious violations by FARDC troops.

A. Capacity-building of security and judicial authorities

71. From September to November 2007, the country Task Force on Monitoring and Reporting conducted five workshops on monitoring and reporting of grave child rights violations in Bunia, Goma, Bukavu, Uvira and Beni, for 150 local child protection agents directly involved in the reporting and monitoring mechanism. Members of the Children's Parliament also participated in the training.

72. In December 2007, funding from Belgium was confirmed in support of a MONUC project aimed at supporting the fight against impunity. The project began in June 2008 and provides technical support and advice to the Military Prosecutor on judicial investigations and prosecution of grave violations against children.

73. In collaboration with the Ministry of Defence, the United States Defense Institute of International Legal Studies and the Canadian Forces, MONUC delivered training on investigation and prosecution of sexual crimes for 200 military magistrates and military judicial police inspectors in Kinshasa, Kisangani and Matadi.

B. Addressing impunity

74. Some significant developments were seen in the fight against impunity as a result of increased collaboration between the Government of the Democratic Republic of the Congo and the International Criminal Court and greater willingness on the part of the military justice sector to take action against perpetrators, sending a stronger message regarding impunity. However, a more systematic approach in bringing to justice suspected perpetrators of serious human rights violations remains a great challenge for the Government of the Democratic Republic of the Congo. The independence of judicial institutions from political institutions remains a concern, as political power continues to influence judicial actors.

75. Under the statements of commitment, a new amnesty law is being formalized for "acts of war and insurrectionary movement". The law is not expected to exempt war crimes or crimes against humanity, although the principle of amnesty is already being used as an argument by some to avoid taking action on a number of pending cases. For instance, FARDC Major Abdou Matata Panda, former commander of the 121st Mayi-Mayi Brigade and now based in Lubarika (Ruzizi plain) may benefit from the amnesty law.

76. In general, there has been an improvement in the cooperation and willingness of military authorities to address issues related to children associated with armed forces and groups. For example, on 29 October 2007, following intense advocacy by MONUC, the commander of the FARDC 10th Military Region in South Kivu issued an order to all his units recalling that military jurisdictions lacked competence in respect of minors.

77. Colonel Engangela, also known as Colonel 106 and active in South Kivu, was arrested on 23 August 2007 and charged with insurrection; further evidence was collected related to abductions, illegal detention, sexual violence against a child and forced recruitment of children under the age of 15.

78. On 28 July 2007, the Kisangani military court conducting on-site hearings in Bunia delivered its verdict on the Bavi massacre, in which six children, including two six-year-old girls, were killed by FARDC elements. The Court confirmed the judgement of the FARDC military tribunal of Ituri, by which Captain Mulesa (known as Bozize), a commander in the intervention unit of a FARDC integrated brigade, was sentenced to life imprisonment for rape, murder and looting of civilian houses and the Bavi hospital. Another captain was sentenced to 10 years' imprisonment for war crimes, with the remaining seven defendants receiving 15-year sentences for murder.

79. On 7 April 2008, Major Bwasolo Misaba (also known as Mwami Alexandre) an officer of FARDC and a former commander of the 119 Mayi-Mayi Brigade based in Shabunda, was sentenced by the Bukavu military court to five years' imprisonment for recruitment of three minors aged between 10 and 14 years and for illegal use of military ranks. This is the second case of an officer of FARDC being sentenced for recruitment of minors in the Democratic Republic of the Congo, with both cases being related to violations in South Kivu.

80. The trial of Kyungu Mutanga, also known as "Gédéon", began on 7 August 2007 and is still ongoing. Gédéon is charged with insurrection, crimes against humanity, war crimes (including the recruitment of at least 300 children) and

terrorism, allegedly committed between October 2003 and May 2006 in the territory of Mitwaba (Katanga province).

81. Some progress has also been registered in relation to impunity for sexual violence, primarily in South Kivu. On 11 February 2008, a police officer suspected of having raped an 11-year-old girl was arrested. Similarly, several cases brought against FARDC elements in South Kivu show the willingness and ability of the Military Prosecutor to bring charges of sexual violence against members of the security forces.

82. In North Katanga, the military tribunal in Kalemie convicted a sergeant in the Congolese National Police for the rape of a nine-year-old girl on 22 August 2008, sentencing him to 15 years' imprisonment and to provide restitution to the victim in the amount of $2,000.

83. The arrest and transfer to the International Criminal Court in early 2008 of Germain Katanga[1] and Mathieu Ngudjolo[2] is significant and may encourage the national authorities of the Democratic Republic of the Congo to pursue other senior civilian and military officials suspected of war crimes and crimes against humanity.

84. On 28 April 2008, the Pre-Trial Chamber I of the International Criminal Court unsealed the warrant of arrest against Bosco Ntaganda, the former Deputy Chief of General Staff for Military Operations of the Forces patriotiques pour la libération du Congo (FPLC), the armed branch of the Union des patriotes congolais (UPC). He is suspected of having committed war crimes by recruiting and using children under the age of 15 in Ituri from July 2002 to December 2003. Bosco Ntaganda is currently the Chief of Staff of CNDP.

85. On 13 June 2008, the International Criminal Court suspended proceedings against the Congolese leader of the Hema militia UPC, Thomas Lubanga Dyilo, charged with recruitment and use of children. The judges stated that a fair trial could not be guaranteed after finding that prosecutors had failed to disclose to Mr. Lubanga's defence information contained in evidence. Mr. Lubanga remains in the custody of the International Criminal Court pending final decisions regarding the lifting of the stay of proceedings.

C. Disarmament, demobilization and reintegration of children

86. Overall, there has been a reduction in the number of children associated with armed forces and groups in the Democratic Republic of the Congo. During the

[1] Germain Katanga, an alleged commander of FRPI who had previously been held at the Penitentiary and Re-education Center of Kinshasa since March 2005, was surrendered by the Congolese authorities and transferred to the International Criminal Court in The Hague on 17 October 2007. Germain Katanga is accused of being responsible for six counts of war crimes and three counts of crimes against humanity, including the use of children under the age of 15 years to participate actively in hostilities.

[2] Mathieu Ngudjolo Chui, the former head of FNI and most recently an FARDC colonel, was arrested by the Congolese authorities and transferred to the International Criminal Court in The Hague on 6 February 2008. Mathieu Ngudjolo is charged with six counts of war crimes and three counts of crimes against humanity, allegedly committed in the Democratic Republic of the Congo since July 2002. The charges include the use of children under the age of 15 years to participate actively in hostilities.

reporting period the number of children released from armed forces and groups decreased by 45 per cent compared with the previous period.

87. In the absence of a functioning national disarmament, demobilization and reintegration programme, children continue to withdraw from armed groups, sometimes on their own and sometimes as a result of successful advocacy and interventions by child protection partners. However, the current context of renewed fighting and serious challenges in the peace process since late August 2008 is hampering access to armed groups for such advocacy.

88. Challenges encountered during the *mixage* and *brassage* processes are being addressed by child protection networks in the framework of the Amani programme. One such concern is the risk of minors, typically between the ages of 15 and 17 years, being integrated into the national army.

89. During the reporting period, 75 children were repatriated through the disarmament, demobilization, repatriation, resettlement or reintegration programme to their countries of origin. Among these children were 44 who had been associated with FDLR, 18 with CNDP, 7 with FARDC, 4 with Mayi-Mayi groups and 2 with LRA.

90. Only a small number of girls have been released through the *mixage* and *brassage* processes, often because of lack of cooperation of commanders. Some commanders do not recognize their obligations to release female children, and the girls themselves are often not aware of their rights or the options available to them. They also fear stigmatization and ostracism upon return to their community. As a result, many girls have left the armed forces and groups by their own means, having escaped or having been abandoned by their units during the movement of troops. If they do not go through the official disarmament, demobilization and reintegration programme, it is more difficult to identify these girls once they are back in their communities in order for them to benefit from reintegration support programmes.

91. Insecurity in many areas and concerns of re-recruitment continued to hamper child protection partners in family tracing, reunification and reintegration of children separated from armed forces and groups, especially in North Kivu. Temporary structures are overstretched and children often remain in transitory care beyond the 3 months foreseen by the official programme. This exacerbates the feelings of frustration of children, who have demonstrated their discontent on several occasions. On 12 November 2007, for example, a group of children released from the Jackson Mayi-Mayi blocked the road to Beni-Mavivi airport in protest against the non-payment of their demobilization benefits. A MONUC child protection staff member was assaulted by a group of children who recognized him as being responsible for their demobilization. In response, UNICEF has increased the type and number of activities available to children in their transit centres since late 2007 to provide additional psychosocial support and promote skills development. Over 300 children recently separated from armed groups are currently in transitory care in Goma, Bukavu, Masisi and Rutshuru. In some instances, children repatriated to Rwanda returned to the Democratic Republic of the Congo, claiming to the child protection partners that they had faced ostracism and threats upon their return to their communities.

92. Thanks to a contribution to the Pooled Fund for the Democratic Republic of the Congo and funds from the Central Emergency Revolving Fund, 14,168 children

have been supported for reintegration activities, among which 10,086 were formerly associated with armed forces and groups, 8,000 of which are from eastern Democratic Republic of the Congo.

1. Ituri

93. During the third phase of the disarmament, demobilization and reintegration programme in Ituri, which ended on 15 October 2007, 1,847 armed elements were demobilized and 99 children were released from three armed groups, namely FNI, FRPI and MRC. Child protection partners believe that the number of children used by those groups was in fact much higher, but many children escaped from the groups before the surrender of their respective commanders, while others were left behind while the disarmament, demobilization and reintegration operations took place. Children who were interviewed reported being instructed to return to their families by themselves by commanders who hoped to avoid accountability for child recruitment. Child protection partners working in areas previously occupied by these groups have identified hundreds of such children in their communities in an effort to provide them with reintegration support. Since the end of the third phase of disarmament, demobilization and reintegration, very few children have withdrawn from the remaining armed groups in Ituri.

94. In April 2008, seven children, aged between 15 and 17 years, were brought to child protection structures in Bunia for demobilization. All seven children were reportedly associated with FNI. They were trying to participate in *brassage* by claiming that they were over 18 years old. Five of the boys were identified at the FARDC Structure for Military Integration (SMI) centre after their families filed a complaint against FARDC for conscription of their sons into the SMI projects. The other two were arrested together with adults by FARDC after clashes with remaining FNI dissident factions.

2. The Kivus

95. An enhanced strategy to counter the recruitment and use of children by armed forces and groups was initiated by the North Kivu Child Protection Working Group (under the auspices of the protection cluster mechanism), which includes direct discussions with key militia groups, an intense communication strategy via local radio stations with pre-recorded messages and interviews and dialogue with religious leaders of all faiths to enlist them in raising awareness among their followers.

96. At the end of 2007, Colonel Jackson, commander of the Baleine Brigade, announced that he was ready to join the *brassage* process and intended to hand over 132 children. The separation was carried out at the Nyaleke *brassage* centre located in the Grand Nord area, in Beni territory. Among the Jackson Mayi-Mayi children, six girls were identified, although only two were present at the time of the separation. One week later, 50 more children were separated from the same group. However, with the emergence of new Mayi-Mayi groups in the region opposed to the *brassage* process, many of the children released at the Nyaleke centre have reportedly been re-recruited by these groups.

97. In order to prevent child recruitment in camps for internally displaced persons and to reduce the overall vulnerability of children, UNICEF, in cooperation with child protection partners, established 24 "child friendly spaces" and 32 registration

points for unaccompanied or separated children in displacement sites in the Petit Nord area of North Kivu. Since mid January 2008, more than 30,000 children have benefited from these activities, although insecurity has limited operations significantly.

98. In South Kivu, the number of children separated from armed groups decreased by approximately 9 per cent compared with the number of cases registered in the preceding year. Many of the children who were separated from Mayi-Mayi factions (24 per cent of whom originated from North Kivu) represent cases of re-recruitment. Very few children were separated during the first quarter of 2008.

3. North Katanga

99. In North Katanga, following the end of the main disarmament, demobilization and reintegration operations in 2005 and 2006, the number of children separated from armed groups was significantly reduced. In March 2008, pursuant to the signing of the statements of commitment, approximately 40 children were separated from North and South Kivu Mayi-Mayi factions and from CNDP troops. No separation of children was reported from North Katanga Mayi-Mayi factions during the reporting period. Child protection partners continue to have difficulties in accessing and supporting children owing to the fact that they remain with their families and are sporadically used by the armed groups on a voluntary community recruitment basis. Child protection partners have finally been able to access the Kamina *brassage* centre to identify and obtain the release of a group of 76 children formerly associated with armed groups in North Kivu.

4. Bas-Congo

100. A total of 183 children from North Kivu, South Kivu and Ituri were identified at the Kitona *brassage* centre in Bas-Congo during the reporting period. Of these, 55 have been reunified with their families, while 128 children, including two girls, are awaiting reunification to North Kivu, South Kivu and Ituri contingent on improved security.

VI. Recommendations

101. I urge all relevant parties to continue to implement the recommendations of my previous reports on the situation of children and armed conflict in the Democratic Republic of the Congo (S/2006/389 and S/2007/391) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/2006/724 and S/AC.51/2007/17). I request my Special Representative for the Democratic Republic of the Congo, in consultation with the United Nations country team, to continue to ensure effective follow-up to these recommendations and the resolutions of the Security Council on children and armed conflict, including further strengthening of the monitoring and reporting mechanism for grave violations against children, and ensuring a coordinated response to this issue.

102. I welcome the periodic consultations between the Government of the Democratic Republic of the Congo and the chairmen of the Democratic Republic of the Congo country Task Force on Monitoring and Reporting to discuss the grave violations identified under the mechanism. I encourage the strengthening of this

important consultative framework, which should ensure the development of effective prevention and response activities to the violations.

103. Recognizing the decrease in recruitment and use of children by the parties to the conflict as compared with the period covered by my last report, I remain deeply concerned about the thousands of children remaining with armed forces and groups in the Democratic Republic of the Congo, and I urge the parties to cease any new recruitment of children and to release unconditionally all those currently associated with their forces. Building on ongoing dialogue with the United Nations in this regard, I urge FARDC to follow through on the commitments it has made by preparing, in the framework of Security Council resolution 1612 (2005), an action plan to identify, release and ensure effective reintegration of all children associated with their forces, to prevent further recruitment and to address all other grave violations against children.

104. Furthermore, I reiterate the call of the Security Council to parties cited for violations, such as CNDP, FDLR and Mayi-Mayi armed elements, to respect their commitments for the protection of children, to end recruitment and use of children and to release all children still within their ranks, in accordance with the statements of commitment of February 2008. Building on the ongoing dialogue with the United Nations in this regard, I urge these parties, in the framework of Security Council resolution 1612 (2005), to prepare without further delay action plans on the recruitment and use of children and to address all other grave violations against children.

105. I am also deeply concerned about the re-recruitment of children, due in part to insufficient reintegration support from earlier disarmament, demobilization and reintegration processes. In this regard, I urge all stakeholders, including relevant Government institutions, United Nations entities, NGOs and donors, to ensure that reintegration strategies are in line with the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups; that they are multisectoral and sustainable in the long term through provision of early, flexible and multi-year funding; that emphasis is placed on community-based approaches; that greater emphasis is placed on psychosocial dimensions of reintegration; that there are priority attention and resources for girls; and that there is an increased focus on livelihood support and youth-oriented employment strategies.

106. Recognizing the ongoing efforts to prevent and respond to sexual violence, I remain deeply concerned about the prevalence of such violations against girls and boys. I urge the Government, as a matter of priority, to adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence. The United Nations and donors should continue to support the Government in the implementation of such a strategy, which could include such key areas as combating impunity, protection and prevention, security sector reform and multisectoral assistance for victims.

107. I welcome the commitment and efforts of the Government to fight impunity through the investigation and prosecution of crimes against children by the civilian and military justice sector. I urge a more systematic approach to such efforts, with emphasis on the independence of judicial institutions, and I welcome the integration of child-friendly procedures in the draft law on the protection of children. I also urge donors and the relevant United Nations actors to assist in ensuring enhanced

capacity and technical expertise of judiciary officials and other relevant authorities in dealing with cases involving children.

108. I encourage the Government and donors to continue to include child protection in security sector reform efforts, including systematic training for military, police and other security personnel and the development of specialized capacity within their forces to deal with children as witnesses and victims of crime or as perpetrators, in line with the United Nations common approach to justice for children and other relevant standards.

109. I am deeply concerned about the allegations of recent LRA attacks and abductions in the Democratic Republic of the Congo. Within the context of a regional strategy to deal with LRA, I recommend that United Nations agencies and operations in the Democratic Republic of the Congo, Uganda and the Sudan develop a joint strategy to monitor and report on recruitment and other grave child rights violations by LRA.

110. I also encourage enhanced cooperation between the Government of the Democratic Republic of the Congo and other countries in the region, such as Rwanda, to ensure the successful repatriation and reintegration of children formerly associated with groups in the Democratic Republic of the Congo to their countries of origin. I urge all concerned to address the flow of children from neighbouring countries to armed groups in the Democratic Republic of the Congo. The international community should support these efforts, and I have requested my Special Representative for Children and Armed Conflict to facilitate dialogue on such cross-border concerns.

111. I call upon all parties to the conflict to continue to ensure that the protection of children is prioritized during the various phases of the Goma and Nairobi processes and that children's concerns are explicitly reflected in subsequent peace agreements. I also encourage the Government of the Democratic Republic of the Congo, with the support of the United Nations, to develop and establish appropriate institutional arrangements to ensure that children are prioritized in the subsequent recovery and development phase.

112. I have requested my Special Representative for Children and Armed Conflict to undertake a follow-up visit to the Democratic Republic of the Congo to assess the situation of children and progress in the implementation of the Security Council resolutions on children and armed conflict and the relevant recommendations of the Security Council Working Group on Children and Armed Conflict.

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Security Council

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Letter dated 11 November 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the press statement on the fourth meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement, held on 10 November 2008, under the auspices of the Facilitator of the Ivorian open direct dialogue, His Excellency Mr. Blaise Compaoré, President of Burkina Faso and Chairman of the Economic Community of West African States (see annex).

I would be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

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Annex to the letter dated 11 November 2008 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: French]

Direct inter-Ivorian dialogue

Fourth meeting of the Permanent Consultative Framework

Ouagadougou, 10 November 2008

Press statement

On the invitation of His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Chairman-in-office of the Conference of Heads of State and Government of the Economic Community of West African States (ECOWAS) and Facilitator of the direct inter-Ivorian dialogue, the fourth meeting of the Permanent Consultative Framework of the Ouagadougou Political Agreement was held in Ouagadougou on Monday, 10 November 2008.

In addition to the Facilitator, the meeting was attended by the following, all members of the Permanent Consultative Framework:

- His Excellency Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire;
- Mr. Guillaume Kigbafori Soro, Prime Minister;
- Mr. Henri Konan Bédié, President of PDCI-RDA (Partie Démocratique de Côte d'Ivoire-Rassemblement Démocrate Africain);
- Mr. Alassane Dramane Ouattara, President of RDR (Rassemblement des Républicains).

In his introductory address, the Facilitator thanked the members of the Permanent Consultative Framework for accepting his invitation to attend. He congratulated them on the significant progress achieved in the peace process thanks to their combined efforts. He was gratified to note that Côte d'Ivoire had begun moving forward again in spite of economic and financial difficulties. After drawing attention to the legitimate expectations of the Ivorian people and the international community, he recalled the great responsibility of the political stakeholders in Côte d'Ivoire to complete the crisis recovery process and urged them to make every effort to endure the success of the operations to identify and register voters with a view to holding credible elections in the country.

Following the adoption of the agenda, the members of the Permanent Consultative Framework proceeded to evaluate the implementation of the Ouagadougou Political Agreement and its Supplementary Agreements, in particular, identification and voter registration operations, secure its arrangements for the electoral process and the financing of the crisis recovery process.

The members of the Permanent Consultative Framework welcomed the results of the exceptional mobile court hearings which had ended on 15 May 2008 and had enabled a significant number of Ivorian citizens to obtain declaratory judgements in

lieu of birth certificates. They also welcomed the holding of additional mobile court hearings throughout the national territory to give another chance to those who had still not been heard and took note of the provisional outcome of the operation.

The Framework further noted the launching and status of operations to reconstitute lost or destroyed civil registers and called on the Ivorian Government to take all appropriate steps to complete the exercise before the end of the registration period so that applicants whose names were contained in those civil registers could be identified and placed on voter lists.

The Chairman of the Independent Electoral Commission, Mr. Robert Beugré Mambé, briefed Framework members on developments in the electoral process. They commended the efforts made by the Commission and the Government to launch the identification and voter registration operations. Congratulating them on the work already done, the Framework noted, however, that the official date of the presidential election could not be 30 November 2008.

The Framework urged the Chairman of the Independent Electoral Commission to establish as soon as possible an exact timetable for identification and voter registration. The timetable should be published before 31 December 2008 with a view to setting the new date for the first round of the presidential election.

The Framework mandated the Prime Minister and the Chairman of the Independent Electoral Commission to convene as a matter of urgency all the national bodies concerned in order to consider and approve the timetable.

The Framework requests the Ivorian Government to provide the bodies responsible for identification and voter registration operations with adequate financial resources in sufficient time for them to be able to keep to the approved timetable. Accordingly, it invites the Government to establish a disbursement schedule in line with the timetable for the actions proposed by the Commission.

The Framework encourages the Commission and all the other stakeholders to coordinate their efforts more closely with a view to holding timely, free, open, transparent and democratic elections in an atmosphere of calm.

In addition, Framework members considered the comprehensive plan on measures to ensure the security of the electoral process presented by Colonel Major Nicolas Kouakou, Commander of the integrated command centre. While commending the security arrangements set out in the comprehensive plan, which they approved, they invited the Government, Defence and Security Forces (FDS), Armed Forces of the Forces Nouvelles (FAFN) and the Impartial Forces to give the necessary support to the integrated command centre so as to make it operational and enable it to perform its mission.

On questions relating to the Defence and Security Forces, the Framework noted with regret the difficulties encountered in carrying out operations to regroup and demobilize former FAFN combatants and to disarm and dismantle the militia groups.

The Framework encourages the Facilitator to persevere in his efforts to seek appropriate solutions with the signatories of the Ouagadougou Political Agreement in regard to outstanding military issues.

Lastly, the Framework carefully considered the question of the financing of the crisis recovery process, which was the main subject of the fourth meeting of the African Economic Community held in Ouagadougou on 10 July 2008. It heard Mr. Charles Koffi Diby, Minister of the Economy and Finance, who gave a status report on the financing of operations under the Ouagadougou Political Agreement.

The Framework recommended that the Minister of the Economy and Finance, notwithstanding the difficult international and national context, should provide for the financial needs of the national bodies responsible for identification and voter registration operations.

The Framework appeals to the international community to help Côte d'Ivoire to become eligible for the Poverty Reduction and Growth Facility (PRGF) and decision point status for debt relief by 31 December 2008.

It renews its appeal to the international community to continue to support Côte d'Ivoire in securing financing for the other urgent crisis-recovery operations. It encourages the Government and the technical and financial partners to make the necessary funds available to carry out the various programmes, in particular the most urgent ones already under way.

Before the meeting was adjourned, the members of the Permanent Consultative Framework again expressed their gratitude to His Excellency Mr. Blaise Compaoré, President of Burkina Faso and Facilitator of the direct inter-Ivorian dialogue, for his unwavering support for the peace process in Côte d'Ivoire and decided to hold their next meeting in January 2009.

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Report of the Secretary-General on children and armed conflict in Afghanistan

Summary

The present report, which has been prepared pursuant to Security Council resolution 1612 (2005), is presented to the Council and its Working Group on Children and Armed Conflict as the first country report on the situation of children and armed conflict in Afghanistan. The report covers the period from 1 July 2007 to 15 August 2008.

The report focuses on grave violations perpetrated against children in Afghanistan and identifies parties to the conflict, both State and non-State actors, who commit grave abuses against children. In particular, the report highlights the fact that children have been recruited and utilized by State and non-State armed groups and that non-State armed groups such as the Taliban continue to train and use children as suicide bombers. The report sheds light on the detention of children accused of association with armed groups by the Government of Afghanistan, and international military forces in violation of Afghan law and international best practice. The report also discusses the worrisome increase in the number of children victims of attacks against schools and communities by non-State armed groups, including the ever increasing number of children inadvertently killed during engagements by international and Afghan forces. Finally, the report surveys the need for greater attention to the problem of sexual violence against children, in particular against boys, in the context of the ongoing armed conflict in Afghanistan.

The report acknowledges the significant challenges in addressing child rights violations in Afghanistan and outlines a series of recommendations to end the recruitment and use of children as well as other grave violations of children's rights. It recommends that all parties to the conflict facilitate access to their areas of operation and ensure the safety of staff for monitoring and reporting purposes. It asks the United Nations, in consultation with the Government of Afghanistan and international forces, to investigate ways and means of extending monitoring and reporting to hitherto inaccessible conflict areas of Afghanistan.

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I. Introduction

1. The present report, prepared pursuant to Security Council resolution 1612 (2005), covers the period from 1 July 2007 to 15 August 2008 and highlights trends and patterns of violations committed against children in the context of the armed conflict in Afghanistan. The establishment of a monitoring and reporting mechanism in Afghanistan was supported by President Hamid Karzai, and endorsed on 28 July 2008 by the United Nations country team, based on the recommendations of the country Task Force on Monitoring and Reporting, which was set up on 27 July 2008. The report identifies parties to the conflict responsible for grave violations and abuses committed against children covered under the monitoring and reporting mechanism endorsed by the Security Council in its resolution 1612 (2005) and highlights avenues for reinforced and targeted monitoring as well as interventions that might be developed to prevent violence and respond to the needs of the victims. It also contains a number of recommendations with a view to securing strengthened action for the protection of war-affected children in Afghanistan. Although the country Task Force on Monitoring and Reporting was as thorough as possible in preparing this first report, gaps in data are inevitable given the difficulties in documenting and investigating, the lack of access and the limited time available.

II. Political, military and social developments in Afghanistan

A. Background on latest developments relating to the conflict

2. The Taliban emerged in 1994 from southern Afghanistan and launched an armed movement against the various factions that were then fighting each other. After the fall of Kabul to the Taliban in 1996, most of these factions joined together as the Northern Alliance and continued to resist the Taliban. By September 2001, the Taliban controlled approximately 90 per cent of the country. During its regime, in areas under its control, the Taliban interpreted religious and tribal law in their most ultra-conservative forms, thereby trampling women's rights and denying education to children. At the same time, the country became a haven for activity of international groups using terror tactics, including Al-Qaida.

3. In November 1999, the Security Council, by its resolution 1267 (1999), introduced mandatory sanctions against key members of the Taliban and Al-Qaida. Following the events of 11 September 2001, international military forces entered Afghanistan in October 2001 and removed the Taliban from power. Afghan political movements met in Bonn, Germany, in December 2001 at a conference held under the auspices of the United Nations, which resulted in the establishment of an interim administration, led by Hamid Karzai, who was declared President for six months. President Karzai's term was extended during the emergency Loya Jirga held in June 2002. On 6 December 2001, the Security Council, in its resolution 1383 (2001), endorsed the Bonn agreement, which authorized the establishment of the International Security Assistance Force (ISAF) to help the transitional government maintain security. On 22 March 2002, the Security Council, by its resolution 1401 (2002), established the United Nations Assistance Mission in Afghanistan (UNAMA). The Bonn agreement also provided for the creation of a new constitution, which was adopted by the constitutional Loya Jirga in January 2004. Presidential elections on 9 October 2004 resulted in the election of Hamid Karzai,

by 55.4 per cent of the vote. Parliamentary elections held in September 2005 led to the establishment of the 249-seat National Assembly, which was inaugurated in December 2005, marking the formal conclusion of the Bonn political process.

4. Despite the significant progress on the political front, the Afghan Government is faced with ongoing opposition from the Taliban and other groups. In the course of 2008, the security situation has deteriorated further. While the main focus of the insurgency remains the southern and eastern parts of the country, where it has historically been strong, insurgent influence has intensified in areas that were previously relatively calm, including in the provinces closest to Kabul. The number of security incidents rose to 983 in August 2008, the highest number since the fall of the Taliban in 2001, representing a 44 per cent increase compared with the same month in 2007. While armed clashes between Afghan and international security forces on the one hand and insurgents on the other have continued to increase in number and intensity, asymmetric attacks carried out by the Taliban have increased to an even greater degree.

5. In March 2008, the Security Council extended the mandate of UNAMA. In its resolution 1806 (2008) the Council reiterated its concern about civilian casualties as well as the recruitment and use of children by Taliban forces. The Council also recalled the importance of implementing resolution 1612 (2005) in Afghanistan and requested the strengthening of the child protection component of UNAMA. The Council also called upon UNAMA to strengthen cooperation with ISAF. On 6 March 2008, I appointed Mr. Kai Eide as my Special Representative for Afghanistan.

B. Armed forces and armed groups operating in Afghanistan

1. Afghan National Security Forces

6. Afghanistan ratified the Convention on the Rights of the Child in 1994. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was signed and ratified on 23 September 2003. The Parliament has yet to ratify the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organization (ILO). The minimum age of recruitment into the Afghan National Security Forces, composed of the bodies described below, is 18 years.

Afghan National Army

7. The Afghan National Army, created in 2002 and now more than 58,000 strong, has already deployed 72 per cent of its personnel. In September 2008, the Afghan Minister of Defence proposed an increase in the force strength to 122,000 and an extended deployment time frame to 2012 in order to cope with the anticipated threat level in the country.

Afghan National Police

8. The Afghan National Police is the primary law enforcement agency of the Government of Afghanistan. In May 2007, the size of the force was increased to 82,000 from 62,000 in response to increased demand for policing as a result of rising insurgency and law enforcement obligations. There is a high casualty rate in

the force, with approximately 1,119 members of the force killed between March 2007 and March 2008.

Afghan National Auxiliary Police

9. The Afghan National Auxiliary Police was created as a temporary force to assist the Afghan National Police with its counter-insurgency activities. As of December 2007, the total strength of the Auxiliary Police stood at 10,895, although its sanctioned strength is 11,271. Through the focused districts development programme in selected areas, the force should be integrated into the Afghan Uniform Police, which is part of the Afghan National Police, the main civil police force.

National Directorate of Security

10. The National Directorate of Security is the intelligence agency of the Government of Afghanistan. It is one of the largest security sector agencies operating under a still classified decree. The Directorate exercises extensive powers, including for detaining, interrogating and investigating, prosecuting and sentencing people alleged to have committed crimes against national security, and it also takes part in military-related operations.

2. Anti-government elements

Taliban

11. Although the Taliban has carried out attacks in other provinces, its focus is largely concentrated in the south and east of the country. The group, led by Mullah Muhammad Omar, is the largest and allegedly the most organized of the armed groups operating in the country and, as with other armed groups operating in Afghanistan, it utilizes terror tactics against both military and civilian targets.

Haqqani network

12. The Haqqani network, led by Jalaluddin Haqqani, a former adviser to Mullah Omar of the Taliban, is closely linked to that group and is operative especially in the eastern provinces of Khost and Paktya. The Haqqani network is suspected of having masterminded the attack on Kabul's Serena Hotel in January 2008, the attack on a military parade during a ceremony at Kabul Stadium in April 2008 and the attack on the Indian Embassy in July 2008.

Hezb-i-Islami

13. Gulbuddin Hekmatyar is the leader of Hezb-i-Islami Gulbuddin, a group that is mostly active in the east of Afghanistan and in the provinces surrounding Kabul. The group focuses its military operations on suicide attacks and attacks on the Afghan National Security Forces and international forces.

Jamat Sunat al-Dawa Salafia

14. Jamat Sunat al-Dawa Salafia is an Islamic fundamentalist group led by Hajir Ruhollah. The network's activities are very limited because of the tension between this group and Hezb-i-Islami Gulbuddin. As a result, the Salafists are only present in

parts of Kunar and Nuristan provinces. In general, the group focuses its military operations on actions against international military forces.

3. Other armed groups

Illegal armed groups

15. The Afghan Government's disbandment of illegal armed groups programme targets the estimated 1,800 illegal armed groups active in the country, which still possess approximately 336,000 weapons. In addition to the risk represented by those weapons, the armed groups represent an obstacle to the restoration of the rule of law. Some factions targeted by the countrywide demobilization, disarmament and reintegration programme have neither been fully disarmed nor mainstreamed into the regular political system. As a result, several armed groups remain heavily involved in illegal activities such as narcotics and weapons trafficking.

4. International military forces

International Security Assistance Force

16. Under the command of NATO, ISAF is a multinational force composed of soldiers from 40 troop-contributing nations acting under Chapter VII of the Charter of the United Nations. The Security Council, by its resolution 1510 (2003), authorized the expansion of the ISAF mandate to support the Afghan Transitional Authority and its successors in the maintenance of security in areas of Afghanistan outside of Kabul and its environs. ISAF is currently composed of approximately 52,700 soldiers organized into 18 brigades, one Marine Expeditionary Unit, 26 provincial reconstruction teams and other elements. The Southern Region is the strongest regional command, with 23,800 troops, followed by the Eastern Region with 16,200 troops, the Central Region with 5,900, the Northern Region with 4,300 and the Western Region with 2,500 soldiers.

Operation Enduring Freedom

17. There are approximately 12,000 troops deployed within Operation Enduring Freedom, led by the United States of America. These troops operate under separate command from ISAF and are primarily focused on training and equipping the Afghan National Security Forces and conducting operations throughout Afghanistan.

III. Visit of the Special Representative of the Secretary-General for Children and Armed Conflict and the monitoring and reporting mechanism

18. My Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy, accompanied by the Director of Emergency Operations of the United Nations Children's Fund (UNICEF), Mr. Louis Georges, visited Afghanistan from 28 June to 3 July 2008 at the invitation of the Government. The visit was intended to establish the monitoring and reporting mechanism on grave violations committed against children in armed conflict, pursuant to Security Council resolution 1612 (2005), and to assess the impact of the conflict first hand. The Special Representative visited Kabul, Jalalabad and Gardez and met with President

Karzai, Ministers, officials of ISAF and the Combined Forces Command, representatives of international agencies, international and Afghan non-governmental organizations, religious leaders and a number of children and families affected by the conflict.

19. The Special Representative expressed her concerns about reports of children being used by anti-Government elements, the death and injury of children during the fighting, the detention of children, sexual violence against children and the continuing attacks on schools, teachers and schoolchildren. She also expressed concern about the unintentional death of and injury to children as a result of the operations of international military forces and the Afghan National Security Forces. She stressed that United Nations monitoring agents should have unimpeded access to all detention facilities where children are believed to be present, and that "worrisome allegations about sexual violence against boys by armed actors should also be confronted despite their sensitive nature".

20. The first meeting of the country Task Force on Monitoring and Reporting took place on 27 July 2008, following the visit of the Special Representative. The monitoring and reporting mechanism was endorsed by the United Nations country team on 28 July, with the support of President Karzai. The task force is co-chaired by UNAMA and UNICEF and its current members are the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO). The Afghanistan Independent Human Rights Commission has accepted an invitation to become a member of the task force. Child protection actors outside the United Nations system welcomed the establishment of the monitoring and reporting mechanism and are currently discussing safe and appropriate ways to engage with it.

IV. Grave violations and abuses of children's rights: incidents and trends

21. Information and insights on the direct impact of the conflict on children in Afghanistan is drawn from a variety of sources that undertake independent investigations involving, where possible, victim and eye-witness accounts that are cross-checked with other testimonies. However, given access and security issues, not all incidents automatically come to the attention of child protection actors, nor can they be independently investigated, meaning, in effect, that available data is likely to underrepresent the actual impact of conflict on children. Furthermore, notwithstanding ongoing efforts to address such limitations, much of available data is not age and sex-disaggregated.

A. Recruitment and use of children by armed forces and armed groups

22. Children have been used by all parties throughout the 30 years of armed conflict in Afghanistan. Since the completion of the Government's demobilization and reintegration of 7,444 under-age soldiers in 2003, which did not, however, fully disarm all factions, there has been no monitoring of children vulnerable to further recruitment or re-recruitment. Allegations of recruitment of children by armed groups have been received from all regions, particularly from the south, south-east

and east. Under-age recruitment is also reported to be prevalent in some areas, with high concentrations of returnees or internally displaced persons, including in areas around internally displaced persons' camps in Helmand and Kandahar provinces and in Wardak and Ghazni provinces, both of which received a high number of returnees during 2007. Recruitment of internally displaced and returnee children has not, however, been specifically documented. The monitoring of such cases has not been possible due to the growing insecurity and inaccessibility of certain areas to the United Nations and implementing partners. Child recruitment, or the threat thereof, has been reported as one of the causes for their displacement, for example by 10 families displaced from the Muqur district of Baghdis province to the Shaidaiee internally displaced persons' settlement in Herat province. Internally displaced families also reported that the general threat of recruitment by armed groups is higher "because the Taliban pay more than the police".

23. A study of suicide attacks by UNAMA has documented cases of children who have allegedly been used as suicide bombers by the Taliban. Most of these children were between 15 and 16 years of age and were tricked, promised money or forced to become suicide bombers. On 16 May 2008, a boy of approximately 12 years of age approached a joint ISAF/Afghan National Army foot patrol in Panjwayi district, Kandahar province spreading his hands. The suicide vest he carried is believed to have been remotely detonated.

24. There are concerns that, due to a recruitment process that has insufficient age determination procedures, there are children in the ranks of the Afghan National Auxiliary Police. Children have allegedly been spotted among units sent ahead of military operations in the Southern Region. These allegations have not been fully verified. The country Task Force on Monitoring and Reporting has documented cases of children recruited by the Afghan National Police, including in the north, south and south-east of the country. For example, in one northern province, seven children aged 16 to 18 are working at the provincial headquarters of the Afghan National Police, conducting regular policing tasks, including patrols, guarding police posts or carrying out checkpoint duties. In the south, two 14-year-old boys recruited into the Afghan National Police were successfully released after an intervention with the authorities by child protection actors.

B. Children detained due to their alleged association with armed groups

1. Detention by the authorities of Afghanistan

25. Particular incidents highlight several interconnected challenges: under-age recruitment, insufficient age-verification procedures and poor treatment of detained children due to their alleged association with armed groups. In a northern province, a 17-year-old boy joined the Afghan National Police with a falsified identification document. While on duty at a checkpoint that came under attack by the Taliban he was taken hostage, but was later released after handing over his weapon to the assailants. The child was later arrested and detained on grounds of having aided the enemy. The age-verification procedure initiated by his lawyer proved that he was under 18. While the lawyer argued that the child could only be tried in a juvenile court, the military court proceeded. The boy was later acquitted.

26. Since international military forces entered Afghanistan in 2001, an unknown number of children have been captured and arrested by Afghan law enforcement agencies and international military forces owing to their alleged association with armed groups. Information received from the Ministry of Justice and protection partners shows that from October 2007 to July 2008 at least 28 children were detained on charges related to national security; all were male, the majority between 15 and 17 years of age at the time of their arrest, the youngest a 12-year-old. During the reporting period, child protection actors have documented 13 such cases. The detention of children for national security issues is in contravention of the provisions of the Afghan juvenile code.

27. The sporadic access of monitoring bodies to detention facilities run by the National Directorate of Security is of concern, particularly given the reports received by the Afghan Independent Human Rights Commission and UNAMA of harsh treatment inflicted upon children. Full access to these facilities would allow proper monitoring and permit appropriate interventions for the cases dealt with outside the Afghan legislative framework. Indeed, while children in conflict with the law must be referred to juvenile rehabilitation centres, children as young as 12 have been detained by the National Directorate of Security. Most children reported no access to legal assistance or legal documentation. Some reported that they had been subjected to threats and ill-treatment while being interrogated for information about their activities while associated with armed groups.

28. In addition, the situation of specific groups such as foreign children or children surrendered to State authorities should be given specific attention. This is illustrated in the case of two Pakistani boys who remained without contact with their families for months. The country Task Force on Monitoring and Reporting also documented the case of a 15-year-old boy detained by the National Directorate of Security after surrendering to the police. He had been lured by the Taliban into taking part in a suicide operation. The boy is still detained, and has now spent more than five months in the custody of the National Directorate of Security without appropriate judicial follow-up.

2. Detention by international military forces

29. There are allegations of unlawful and arbitrary detention in facilities run by international military forces, although reported cases of children being detained remain limited. UNAMA and the Afghan Independent Human Rights Commission have tried with little success to gain access to such facilities, and have no access at all to the "Theatre internment facility" at Bagram Airbase, headquarters of the United States forces in Afghanistan. Allegations have been recorded of children kept incommunicado, as substantiated by the case of a 17-year-old boy arrested during a combined operation by the Afghan National Army and the United States-led coalition. Reportedly detained by a United States provincial reconstruction team for a month without access to a lawyer or contact with his family, he was subsequently transferred to the National Directorate of Security before the Primary Court ordered his release.

30. In its recent report to the United Nations Committee on the Rights of the Child, the United States acknowledged that 10 children below the age of 18 were in administrative detention at Bagram Airbase. The report also indicated that the United States does not have a specific policy for dealing with juveniles arrested or

detained as a result of the conflict. The report further states that eight Afghan juveniles between 13 and 17 years of age have been held at Guantanamo Bay since 2002; six have been released and two face criminal charges, including charges of war crimes. For example, Omar Khadr, a Canadian citizen, faces charges for alleged offences committed at age 15 in Afghanistan, purportedly as a child soldier. Khadr was captured by United States forces after a firefight in July 2002. On 4 June 2007, he was charged with war crimes before the United States military commission for allegedly killing an American soldier. Despite his age at the time of the alleged offences, international standards of juvenile justice were not applied. Khadr was detained in Guantanamo Bay beginning in November 2002, where he was allegedly subjected to abusive interrogations and prolonged solitary confinement. He has since been released from solitary confinement. During the trial, the defence argued that the United States should consider Khadr as a victim.

31. Human rights actors will seek collaboration with the international military forces to ensure that children arrested due to alleged involvement with parties to the conflict and detained, whether inside or outside Afghanistan, are dealt with according to legal standards. This is to avoid breaching standards of justice for children, as documented by various human rights organizations.

C. Killing and maiming of children

32. From August 2007 to July 2008, UNAMA recorded 1,722 civilian deaths as a result of the conflict. The issue of civilian casualties, particularly child casualties, continues to be of great concern. Below are some of the numerous incidents that have affected children.

33. Children have been the victims of suicide attacks orchestrated by anti-Government elements that primarily target national and international security forces, governmental infrastructures and associated individuals. On 10 July 2007, in Dehrawot district, Uruzgan province, a suicide attack, using a body-borne improvised explosive device targeted an ISAF convoy, reportedly causing the death of 12 schoolchildren. On 6 November 2007, a suicide bomber targeted a delegation of Members of Parliament on a road in Pul-i-Khomri district, Baghlan province. Police and bodyguards opened what appears to have been indiscriminate fire after the explosion. Various independent reports indicate that among the dead were 52 schoolchildren and five teachers, out of approximately 70 persons. Around half of the injured were said to be students. Although the exact number of casualties caused by the shooting rather than by the explosion is undetermined, reports confirmed that the casualty toll was aggravated by the fact that the police and private security guards fired indiscriminately into the crowd. On 17 February 2008 in Kandahar province, 67 people, including six children, were killed and more than 90 wounded in a suicide bomb attack. On 7 July 2008, a vehicle-borne improvised explosive device was used in an attack on the Indian Embassy in Kabul, resulting in the deaths of some 50 civilians, among whom were a number of children.

34. Children have been the unintentional victims of joint military operations conducted by the Afghan National Security Forces and the international military forces, including an incident on 6 April 2008 in Doab district, Nuristan province, in which a joint operation of the international military forces and the Afghan National Army reportedly resulted in at least 18 civilians killed, including 4 women and 7

children, 15 injured, including 2 women and 3 children, and as many as 150 homes destroyed. On 30 April 2008, in Kabul, a joint National Directorate of Security/Afghan National Police force reportedly cordoned off a house where anti-Government elements were hiding. As the anti-government elements attempted to flee the area, two civilians, one woman and one child, were killed in the ensuing firefight.

35. Civilian casualties, particularly child casualties, have been unintentionally caused by aerial bombardments and ground attacks as a result of imprecise targeting or mistaken identity. On 12 January 2008, in Tagab district, Kapisa province, international military forces reportedly carried out two air attacks against a compound allegedly housing a senior Taliban militant. In the first attack, two children, aged 14 and 4, were killed. In a similar incident on 27 May 2008, as a result of an air strike by international military forces in Manogay district, Kunar province, 14 civilians, including 9 children were allegedly killed; 2 other children were injured. According to international military forces, no civilian casualties were recorded as precision munitions had been used; 7 alleged anti-Government elements were killed. On 6 July 2008, in Dih Bala district, Nangahar province, it was alleged by Afghan authorities that an air support operation by international military forces, while attempting to target a suspected gathering of anti-Government forces, struck a wedding procession resulting in the deaths of 47 civilians, including 30 children, and injuries to 11 others.

36. Night searches and raids are a feature of international military activities. However, it has been noted that the international military forces have adjusted their procedures in order to minimize the killings of or injury to children. Yet children are still victims of such operations. For example, on 3 February 2008, in Bakwa district, Farah province, 11 civilians, including 3 children under 14 years of age, were reportedly killed as a result of a night raid by forces of Operation Enduring Freedom on an alleged hideout for anti-government elements. In another incident, on 19 March 2008, in Nadir Shah Kot district, Khost province, 6 civilians, including 2 children and a woman, were killed during a night raid purportedly carried out by Operation Enduring Freedom.

D. Incidents related to unexploded ordinance and other explosive remnants of war

37. An estimated 728 square kilometres of land, containing 5,027 hazardous areas with anti-personnel and anti-tank mines and a large number of explosive remnants of war from both the previous and current periods of conflict still require clearance, particularly in the east, north and south-east regions.

38. During the reporting period, 81 children were killed and 332 sustained injuries due to unexploded ordnance and explosive remnants of war. Eighty-nine per cent of the victims were boys. The majority of these incidents were caused by unexploded ordnance (36.6 per cent), anti-personnel mines (22.8 per cent) and anti-tank mines (19.1 per cent). Improvised explosive devices, booby traps, cluster ammunition and fuses are responsible for the remainder of incidents. For example, on 17 December 2007, in Tirin Kot, Uruzgan province, a family with 3 children was reportedly killed when their motorcycle struck a roadside improvised explosive device. On 17 April 2008, 2 children were reportedly killed and 1 injured by the detonation of an

unexploded ordnance (artillery shell) in district 17 in Kabul. On 27 May 2008, in Daman district, Kandahar province, 3 children were reportedly killed when an improvised explosive device went off in a culvert close to where they were playing.

E. Abduction of children

39. Very few cases of children having been abducted as a result of the conflict have been documented. However, due to the security vacuum prevailing in some areas, criminal kidnapping of children is reported frequently. In one case, anti-government elements in the Western Region abducted the child of a Provincial Prosecutor who had launched a criminal investigation against the group. The child was killed soon after his abduction.

F. Attacks on schools and hospitals

1. Incidents involving the Taliban and anti-government elements affecting the education sector

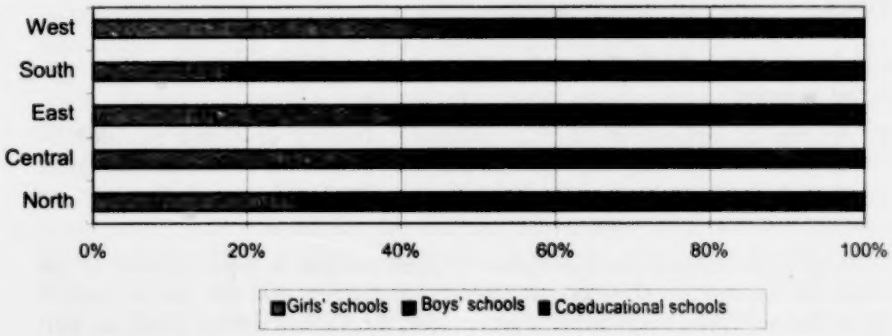
40. A primary analysis of the 722 incidents affecting education recorded by UNICEF from 2004 to July 2008 reveals that the South is the most affected region: 230 of such incidents took place between July 2007 and June 2008 alone, an escalation over previous years.

41. Acts of violence have historically targeted schools as representative of the central Government or of perceived foreign interference, and the Taliban and its proxies are reportedly responsible. Furthermore, the Taliban denied nearly all girls the right to attend school while in power, a position they still brutally enforce. For instance, while girls' schools represent only 14.8 percent of the total number of primary, secondary and high schools in Afghanistan, they are affected by some 50 per cent of the recorded incidents. From 22 to 28 April 2008 in Logar province, four schools, including three girls' schools, were burned by unidentified armed elements.

42. The burning of schools is by far the most frequent type of incident carried out on educational facilities. For example, in the capital of Logar province, from April to May 2008, three schools were set on fire. In Kandahar city, three schools were burned from January to March 2008. Threats against schools, staff, teachers, pupils or parents often take the form of "night letters", threatening notes or messages left in public places at night, and are frequently attributed to the Taliban. For example, during the summer of 2007, "night letters" were left in a school in Sari Pul province demanding that teachers stop teaching girls, warning them that the Taliban would soon return to power. Threats and attacks are also believed to target facilities built by provincial reconstruction teams, as a result of which a significant number of such facilities remain unused, including the Teacher Training Institute of Ghazni province. Teachers and education personnel have also been victims of targeted killings, as evidenced by the attacks in Jawzan province, in which the principal of a primary girls' school was shot dead in October 2007 and, in Kunduz province, in which two teachers were killed in May 2008. These cases, which are currently under police investigation, are attributed to anti-government elements, but no further action has been taken to date.

43. Schools have been targeted for armed attacks and improvised explosive devices and other explosive devices have been placed in or around them. Schools have also been affected by military interventions taking place in the vicinity, sometimes resulting in the killing or injury of teachers and pupils. For example, in Kapisa province in June 2008, an artillery shell fired by international military forces landed in a school compound, killing a boy. Checkpoints, police posts or military camps established by parties to the conflict within the immediate vicinity of educational facilities have also affected school security. In Wardak province in June 2008, one student was killed and four others injured as a result of an armed altercation between the Afghan National Police and alleged members of the Taliban near their school.

Table 1
Percentage of incidents affecting boys', girls' and coeducational schools



2. Incidents involving the Taliban and anti-government elements affecting the health sector

44. WHO and UNICEF have recorded incidents related to the armed conflict affecting the health sector, including operations carried out by anti-government elements against health centres, threats, killings and injury of staff, looting of facilities, forced closure of centres and programmes, and intimidation of organizations supporting health programmes. WHO reports that dozens of health workers have been abducted and/or killed in the past two years throughout the country. For example, in June 2008 armed elements in one northern province shot a doctor and a security guard dead in a medical clinic run by an international non-governmental organization.

45. Health facilities are not protected from the direct impact of military operations. In May 2008, for instance, in Farah province, the headquarters of the Afghan National Police was reportedly attacked by armed elements using rocket-propelled grenades. A nearby health clinic was damaged during the crossfire. In June 2008, one of two rockets fired towards Asadabad city, Kunar province, by suspected members of the Taliban hit the public hospital, killing one person and injuring two. The use of health facilities by the Afghan National Security Forces, including the one occupied by the Afghan National Police since the spring of 2008 in Kandahar province, is likely to complicate the security of these facilities in the conflict.

46. The deteriorating security situation has prompted Afghan health officials to shut down some 36 health facilities in the southern and eastern provinces, depriving hundreds of thousands of children of basic health services. The Ministry of Public Health stated in May 2008 that more than 360,000 people in Helmand, Kandahar, Farah, Zabul and Paktika provinces have been deprived of health services due to insecurity. For instance, the closure of the Khairkhana Basic Health Centre in Badghis province in mid-July 2008 by anti-government elements, affected some 30,000 persons. The current insecurity is also hampering vital polio eradication efforts, as demonstrated by the 15 new cases reported to date in 2008. In Kandahar province, four incidents by Taliban elements against vaccinators took place on 2 August 2008, the second day of the campaign.

47. These incidents also affect efforts to expand the number of women health professionals throughout the country. Less than 30 per cent of health facilities have a female health worker reflecting the difficulty of recruiting qualified female staff and the problems faced by female workers operating in rural or insecure areas. As the major portion of the population of working women in the country, female health staff are particularly vulnerable to intimidation and threats from the Taliban and other conservative elements. The absence of female staff directly affects the delivery of child and maternal health services as women are reluctant to seek care from male health professionals.

G. Sexual violence perpetrated against children

48. There are a number of substantive reports of children, especially boys, being sexually abused and exploited by members of the armed forces and armed groups. For example, two police officers in a south-eastern province who were arrested after the intervention of child protection actors for sexually abusing a 15-year-old boy were released after allegedly bribing the authorities. In a similar incident, in the north, a 16-year-old boy reportedly recruited into the Afghan National Army after providing a falsified identity document was subsequently sexually abused by two soldiers. There is insufficient protection for victims of or witnesses to violence, and very few cases reach the prosecution stage. Fear of violent retaliation against victims and families was cited as a factor by reliable sources. In addition, given the lack of specific legislation on the subject of sexual violence, victims are often arrested and charged with adultery.

49. While most of the victims do not wish their experience to be reported, it is possible to discuss certain incidents involving personnel of the Afghan National Security Forces where the cases were appropriately dealt with by the authorities. For instance, a member of the Afghan National Army active in northern Afghanistan raped an 11-year-old girl and was sentenced to 15 years imprisonment by a military court in early 2008. A 12-year-old boy and an adult male relative employed in a police post who were sexually abused by three police officers over an unknown period of time filed a complaint with the support of the Child Protection Action Network. The perpetrators were sentenced to 10 years imprisonment. In a southern province, a 16-year-old boy, stopped on the pretext of an identity check by a police officer, was subsequently raped. He reported the abuse to service providers who helped him to file a complaint. The case is being prosecuted.

50. Violence against children, specifically of a sexual nature, occurs particularly during times of instability. The practice of "*bacha baazi*" (boy-play) consists of boys kept cloistered and used for sexual and harmful social entertainment by warlords and other armed group leaders. This practice, like any violence against children, is strongly condemned by Islam and by all religious and by governmental as well as cultural leaders. Prosecution of a small number of cases has been confirmed by the country Task Force on Monitoring and Reporting, and more initiatives, including studies on the issue of child sexual abuse, are being developed. However, law enforcement officials and human rights activists highlighted difficulties in preventing the practice, addressing the violence and prosecuting the perpetrators more consistently.

H. Denial of humanitarian access to children

51. Humanitarian access has become increasingly restricted in conflict-affected areas owing to the activities of anti-government elements. The United Nations has now designated 79 districts as "extreme risk" areas that are inaccessible to programme delivery by United Nations agencies. During the reporting period, the Afghan NGO Safety Office reported 71 incidents against non-governmental organizations attributed to anti-government elements, including beatings, searches, threats and abductions, as well as attacks using explosives/improvised explosive devices, mortars, missiles and other arms. Attacks against humanitarian workers by anti-government elements have increased and many aid agencies have restricted the scale and scope of their operations as a result. Since 2003, 38 staff have been killed and 47 injured. During the reporting period alone, 10 staff have been killed and 20 injured. The assassination of three international aid workers and one national staff of the International Rescue Committee on 13 August 2008 in Logar province, responsibility for which has been claimed by the Taliban, is the most recent episode. This has also adversely affected demining efforts, particularly in the south and south-east.

52. While severe drought and an increase in food prices have had a dramatic impact on the lives of millions of Afghans, especially children, insecurity further jeopardizes the delivery of essential humanitarian assistance. In many provinces where road transport firms refuse to risk attacks, the World Food Programme (WFP) has not been able to send sufficient quantities of supplies for its programmes, including its "food-for-education" operation, which benefits about 1.5 million school children on a daily basis. For instance, on 24 July 2008, in Farah province, 49 trucks were attacked by armed elements; over 320 metric tons of food, enough to feed about 38,400 people for a month, was looted. On 29 July 2008, WFP announced that 300,000 students from the southern provinces had not received its assistance, mainly due to insecurity.

53. Insecurity has also impeded the provision of assistance to families recently returned from Pakistan or deported from the Islamic Republic of Iran to areas that are inaccessible to humanitarian personnel, including the 83,000 refugees returned from Pakistan in 2007 and the approximately 5,000 Afghan families deported from the Islamic Republic of Iran who have mostly resettled in Farah and Nimruz provinces.

V. Dialogue and action plans to redress violations and abuses committed against children

54. Experience and expertise in the monitoring of child rights violations in the context of the armed conflict has been limited to date. Existing human and child rights monitoring and investigation activities have been obstructed by the lack of safe access to conflict-affected areas and numerous acts of violence committed against aid workers by anti-government elements. In this vein, there is a need for the United Nations in Afghanistan to engage in an open discussion with the Government on the need for a strategy which recognizes that it is imperative for the United Nations country team to engage in action plans with all parties to conflict to end the practice of child soldiering in Afghanistan as spelled out in Security Council resolutions 1539 (2004) and 1612 (2005). Furthermore, the members of the country Task Force on Monitoring and Reporting should, in the coming three months, devise a plan of how, in the light of the prevailing deteriorating security situation, they might interface with the Government, international military forces and other relevant parties in the field to devise a system of alert and access for monitoring and verification in areas where the United Nations and its partners have little or no access.

VI. Follow-up and programmatic response to violations and abuses committed against children

55. Afghanistan is a party to most of the major international human rights treaties. Since 2002, the country has adopted legislative changes relevant to the well-being of children. The Technical Advisory Group on Women and Children in Justice and the Criminal Law Committee of the Law Reform Technical Working Group, supported, inter alia, by the United Nations Office on Drugs and Crime, are specifically dealing with juvenile justice policies and programmes and are being mobilized to work on children in armed conflict-related legal reforms. A number of other initiatives are in place to address the violations and abuses committed against children's rights, as described below.

A. Recruitment and use of children by armed forces and armed groups

56. Under the monitoring and reporting mechanism there will be a discussion of the possible revitalization of community networks involved in the disarmament, demobilization and reintegration of children. In addition, the UNICEF offices in Afghanistan and Pakistan held a meeting in July 2008 at which they reviewed cross-border concerns related to children associated with armed groups and armed forces.

57. Child protection actors have welcomed juvenile-specific provisions, including on offences relating to children associated with armed groups, in the law on combating terrorist offences adopted in 2008. The law states that when an offence has been committed by individuals below the age of 18, the 2005 juvenile code will apply. In January 2008, UNICEF began a capacity-building initiative for local non-governmental organizations active in the field of human rights to develop a monitoring system aimed at reducing the unlawful detention of children. In June

2008, UNICEF initiated a dialogue with the National Directorate of Security to ensure due process for all juveniles and the implementation of the juvenile protection measures of the new anti-terrorist law.

B. Killing and maiming of children

58. Efforts to underline the importance of independent monitoring have gained increased attention. At a meeting on the protection of civilians held in August 2007 ISAF acknowledged that mistakes had been made during operations, noting that, in addition to specialized training of all ground forces to promote observance of principles applicable in armed conflict, a review of its standard operating procedures was in progress, including mechanisms to share information on civilian casualties arising from its operations. The Afghan Government and ISAF have reportedly adjusted tactics and have used internal and external investigative mechanisms. While positive, the effectiveness of these initiatives needs to be fully assessed, in particular the inclusion of provisions specific to children.

59. More effective coordination between the national and international security forces operating in Afghanistan is required to allow a clear system of accountability, particularly with regard to incidents affecting children taking place during operations involving the troops of ISAF, Operation Enduring Freedom, the Afghan National Security Forces or other elements present at Bagram Airbase.

60. The Mine Action Programme for Afghanistan, overseen by the United Nations Mine Action Centre for Afghanistan, pending its full transfer to the Government of Afghanistan, is the world's largest and longest-running programme for the removal of mines and explosive remnants of war. Some 6,000 mine action personnel work for non-governmental organizations and international private companies. To increase access to affected areas, the community-based mine clearance approach is used, by which demining teams are formed from members of affected communities. Targeted activities are being conducted, with interventions in UNHCR centres near Pakistan and the Islamic Republic of Iran and the establishment of child-friendly safe play areas in 22 provinces. Access to physical rehabilitation services is hindered by many obstacles, including poverty, distance, lack of security and political divisions. The rehabilitation needs of child mine survivors (as well as those of other people with disabilities) are seldom met.

C. Attacks on schools and hospitals

61. To tackle the increased security incidents affecting education, in 2006 the Ministry of Education deployed two school and child protection officers per province to monitor and improve the school security environment. While some officers were successful in mobilizing community leaders to initiate a dialogue with perpetrators of violence, their overall ability has been questioned. Successful community mobilization initiatives have also taken place. For example, in the Western Region, in 2007, the Governor held a meeting of religious leaders, tribal elders and technical departments with the aim of reopening six schools and one health centre; all the affected facilities reopened and since then no incident has been reported.

62. In September 2007, the immunization campaign took advantage of the "Peace Day". While UNAMA called for a total cessation of violence, WHO and UNICEF encouraged all parties to respect the immunization efforts and, as a consequence, only a few incidents were reported. More than 10,000 vaccinators visited areas in the districts missed during the year due to security concerns.

D. Sexual violence perpetrated against children

63. Afghan legislation on child abuse, including sexual abuse, is not in line with the Convention on the Rights of the Child. These issues are mostly covered by the outdated penal code or brought to local, informal justice mechanisms (for example through shura or jirga systems), where customary law applies. The limitation of the Afghan judicial system in investigating and prosecuting perpetrators of sexual violence and in allocating compensation to survivors perpetuates a culture of silence and impunity. Although taboo surrounding the subject of sexuality is widespread, making it difficult to openly address sexual violence, there have been initiatives with different scopes and focus. The Ministry of Women's Affairs, assisted by the United Nations Development Fund for Women (UNIFEM), is developing a database of cases of violence against women. The database, which unfortunately does not include abuses against boys, is likely to increase attention to sexual violence in general and consequently to the incidents perpetrated against children by parties to the conflict.

VII. Recommendations

64. I urge all anti-government elements who are party to the conflict to immediately stop the use, exploitation and recruitment of children and recommend that Afghan National Security Forces develop appropriate age verification procedures and take appropriate measures to improve the protection of children.

65. In addition I encourage all parties to the conflict to enter into a dialogue with the country Task Force on Monitoring and Reporting with a view to halting grave violations of children's rights, as stipulated by the Security Council in its resolution 1612 (2005), and to ensure that information on violations committed against children in armed conflict is collected and disseminated to all appropriate actors.

66. In this regard, I encourage the Government of Afghanistan to intensify its efforts to prosecute all perpetrators of crimes committed against children and to ratify ILO Convention No. 182. I also call upon the Afghan authorities to introduce legislation aimed at criminalizing the recruitment of children in armed conflict and to consider enacting legislation necessary to give effect to the Rome Statute of the International Criminal Court.

67. I strongly urge the Taliban and other anti-government elements to immediately cease attacks against civilians, especially children, and civilian objectives. The United Nations country team in Afghanistan is encouraged to engage with the Afghan Government on means to advocate the cessation of such attacks. All parties to the conflict are urged to comply with principles of international law, to recognize and maintain the neutrality and safety of schools, hospitals, religious institutions,

including their personnel, as "zones of peace" and to publicly declare an end to such practices.

68. I call upon international military forces and Afghan National Security Forces to improve standing operating procedures and rules of engagement, in particular by including special protection measures pertaining to children.

69. I urge the Government of Afghanistan and international military forces to ensure due process for all juveniles detained because of their alleged association with armed groups, regardless of the arresting authority.

70. I further request the Government of Afghanistan and international military forces to grant the United Nations and human rights monitoring bodies full access to all their detention facilities, including the National Directorate of Security and the Bagram Airbase.

71. I condemn in the strongest possible terms the attacks against humanitarian actors by the Taliban and other anti-government elements, in particular the killings and abductions, and call upon all parties to respect principles of international humanitarian and human rights law and to ensure the safety and protection of all those engaged in humanitarian action. In this regard, I also call upon community and religious leaders to publicly condemn attacks against humanitarian workers and to assist in developing appropriate measures for the protection of humanitarian actors and their programmes.

72. I welcome the efforts of my Special Representative to strengthen the child protection capacity of UNAMA, including by deploying child protection advisers.

73. I request the United Nations country team and the donor community to provide additional support to national programmes and initiatives to enhance the protection of children in Afghanistan.

74. I encourage the Government of Afghanistan to implement more fully laws and programmes to prevent and punish sexual violence and to support victims, monitor grave sexual violations against boys as well as girls and work with my team in Afghanistan to study ways and means of combating harmful practices, including that of *bacha baazi*, with the support of Afghan religious leaders and civil society.

75. I call upon the country Task Force on Monitoring and Reporting to present a plan within three months time, on ways and means to interface with Government, international military forces and other relevant parties to extend the monitoring and reporting mechanism mandated by Security Council resolution 1612 (2005) to all conflict areas of Afghanistan.

76. I request respective United Nations country teams and agencies to develop a regional framework of cooperation and information exchange in order to better address cross-border issues such as child recruitment and abduction.

United Nations S/2008/696

Security Council

Distr.: General
10 November 2008

Original: English

Letter dated 7 November 2008 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of China in October 2008 (see annex). The document was prepared under my own responsibility, following consultations with other members of the Security Council. I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Zhang** Yesui
Ambassador and Permanent Representative
of the People's Republic of China to the United Nations

08-59697 (E) 201108

Annex to the letter dated 7 November 2008 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of China (October 2008)

Introduction

Under the presidency of China, the Security Council dealt with a wide range of regional issues, including Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Guinea-Bissau, Haiti, the Middle East, Somalia and the Sudan, and general issues, namely, women and peace and security and post-conflict peacebuilding. The Council held 23 meetings and 9 consultations of the whole, during which five resolutions and five presidential statements were adopted.

Africa

Côte d'Ivoire

On 27 October, at an open meeting, the Council heard a briefing by the Special Representative of the Secretary-General for Côte d'Ivoire, Choi Young-Jin, on the latest developments in the peace process in Côte d'Ivoire. During the consultations of the whole that followed, members heard another briefing, on the sanctions review, by the Chairman of the Committee established pursuant to resolution 1572 (2004). The Council members called on all parties concerned to fully implement the Ouagadougou Agreement, and appealed to the international community to continue to support Côte d'Ivoire.

On 29 October, the Council unanimously adopted resolution 1842 (2008), by which it renewed sanctions measures and the mandate of the Group of Experts until 31 October 2009.

Democratic Republic of the Congo

On 3 October, in consultations of the whole, the Special Representative of the Secretary-General for the Democratic Republic of the Congo, Alan Doss, briefed the Council on the latest developments in the Goma and Nairobi peace processes in that country. He called for a ceasefire between the Nkunda dissident militias and the Government forces and an implementation of the disengagement plan by the parties concerned.

On 21 October, the Council adopted a presidential statement (S/PRST/2008/38), in which the Council members urged all the parties to the Goma and Nairobi processes to abide by the agreements, and strongly supported the work of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

On 28 October, in consultations of the whole, the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, briefed the Council on the security situation in North Kivu province of the Democratic Republic of the Congo. The

Council members expressed their serious concern over the recent fighting in the region and its humanitarian consequences.

On 29 October, the Under-Secretary-General gave an urgent briefing on the escalation of hostilities in North Kivu. The Council then adopted a presidential statement (S/PRST/2008/40), in which the Council members urged all signatories to the Goma and Nairobi processes to implement their commitments effectively and in good faith, and expressed its full support for MONUC.

Guinea-Bissau

On 7 October, the Council held a debate to hear briefings by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, and Ambassador Maria Luiza Ribeiro Viotti of Brazil, in her capacity as the Chairperson of the Guinea-Bissau configuration of the Peacebuilding Commission, on the situation in Guinea-Bissau, in particular on preparations for the legislative elections to be held in November 2008 and the continued growth in drug trafficking as well as organized crime. The representative of Guinea-Bissau also delivered a statement. Members of the Council encouraged all parties concerned to maintain the dialogue and cooperation and to ensure a stable environment for a free and fair legislative election.

On 15 October, the Council adopted a presidential statement (S/PRST/2008/37), in which it called on donors to continue to provide resources for the legislative elections to be held on 16 November, and called upon the international community to cooperate actively with Guinea-Bissau in its efforts to fight against drug trafficking as well as organized crime.

Somalia

On 7 October, the Council unanimously adopted resolution 1838 (2008), by which it called upon States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982. It also urged that States and regional organizations, in conformity with the provisions of resolution 1814 (2008), continue to take action to protect the maritime convoys of the World Food Programme.

On 9 October, during consultations of the whole, the Council heard a briefing from Ambassador Dumisani Kumalo of South Africa, in his capacity as Chairman of the Committee established pursuant to resolution 751 (1992), on the work of the Monitoring Group on Somalia, in accordance with paragraph 3 (h) of its resolution 1811 (2008).

On 30 October, the Council adopted a presidential statement (S/PRST/2008/41), in which it condemned in the strongest terms the terrorist suicide attacks that occurred in the towns of Hargeysa and Bosasso in Somalia on 29 October 2008.

Sudan

On 3 October, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, on the crash of a Mi-8 helicopter

hired by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in southern Darfur on 29 September, which was still under investigation.

On 15 October, the Council unanimously adopted resolution 1841 (2008), by which it extended until 15 October 2009 the mandate of the Panel of Experts of the Committee established pursuant to resolution 1591 (2005).

On 28 October, the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and the Under-Secretary-General for Field Support, Susana Malcorra, briefed the Council at an open meeting on the current security, political and humanitarian situation in Darfur as well as the deployment of UNAMID. During the consultations of the whole that followed, the Council members expressed their strong support for the acceleration of the deployment of UNAMID and the promotion of the political process in Darfur.

Peace and security in Africa

On 23 October, upon the request of the Government of Djibouti, the Council convened a meeting to hear a briefing from the President of Djibouti, Ismail Omar Guelleh, on the situation between Djibouti and Eritrea. The representative of Eritrea also participated in the meeting and delivered a statement. The Council members expressed their concern over the situation between Djibouti and Eritrea and committed themselves to assisting the parties concerned in finding a sustainable solution through peaceful means, in order to avoid another war in the region of the Horn of Africa. They also supported the Secretary-General, the African Union and the League of Arab States in continuing to use their good offices to promote a peaceful solution and encouraged both parties to cooperate.

Americas

Haiti

On 8 October, the Council held a private meeting with the countries contributing troops to the United Nations Stabilization Mission in Haiti (MINUSTAH). Subsequently, the Council heard a briefing by the Special Representative of the Secretary-General for Haiti and Head of MINUSTAH, Hédi Annabi, on the situation in Haiti and the work done by MINUSTAH. Following the briefing, members of the Council held a consultation and discussed issues raised in the Secretary-General's report (S/2008/586). Council members expressed their concern over severe damage caused by hurricanes in Haiti and the consequences for the stabilization process. Council members acknowledged the crucial role of MINUSTAH and expressed support for the Mission.

On 14 October, the Council unanimously adopted resolution 1840 (2008), by which it extended the mandate of MINUSTAH until 15 October 2009.

Asia

Afghanistan

On 14 October, the Council held a debate to hear a briefing from the Special Representative of the Secretary-General for Afghanistan, Kai Eide, on the latest

situation in Afghanistan and the work of the United Nations Assistance Mission in Afghanistan (UNAMA). The Council also heard statements by the representatives of Afghanistan, Germany, India, the Islamic Republic of Iran, Japan, the Netherlands, Norway and Pakistan, at their request. While expressing concern over the security and humanitarian situation in Afghanistan, members of the Council welcomed the progress made by the Government, with support from the international community. They stressed that more resources were necessary to meet the strengthened mandate of UNAMA and to achieve defined priorities, and supported a holistic approach to existing challenges in Afghanistan.

Europe

Georgia

On 9 October, the Council held a private meeting with the countries contributing troops to the United Nations Observer Mission in Georgia (UNOMIG). The Council then heard a briefing by the Assistant Secretary-General for Peacekeeping Operations on the latest developments in Georgia. The Special Representative of the Secretary-General and Head of UNOMIG, Johan Verbeke, also briefed the Council on his recent visit to Tbilisi and Sukhumi. Subsequently, during consultations of the whole, members of the Council expressed their views on the situation on the ground. Following the consultations, the Council unanimously adopted resolution 1839 (2008), by which it extended the mandate of the Mission until 15 February 2009.

On 27 October, during consultations of the whole, the Council heard a briefing from the Acting Director of the Europe and Latin America Division of the Department of Peacekeeping Operations, David Harland, on recent developments.

Middle East

The situation in the Middle East, including the Palestinian question

On 22 October, the Council heard a briefing on the Middle East from the Under-Secretary-General for Political Affairs. He told the Council, inter alia, that despite ongoing efforts by the parties concerned, the situation on the ground was not improving "in the way that is required" to ensure a durable settlement. He also hoped that, notwithstanding the transition currently under way, the Israel-Palestinian negotiations would not only continue but intensify until the end of the year, within the Annapolis framework. During consultations of the whole, many members of the Council reaffirmed their support for the continuation of Israeli-Palestinian negotiations, and expressed the wish that the United Nations would, as appropriate, play a greater role in support of the peace process. Members of the Council also emphasized that the international community could not lose sight of the humanitarian situation on the ground.

Lebanon

On 30 October, the Council heard a briefing on the Middle East from the Special Envoy of the Secretary-General for the implementation of resolution 1559 (2004), Terje Rød-Larsen. He presented to the Council the eighth semi-annual report

of the Secretary-General (S/2008/654). Noting that several provisions of resolution 1559 (2004) had been implemented, he emphasized the importance of the comprehensive implementation of the resolution. Following the briefing, the Council held consultations of the whole, during which the members of the Council welcomed the progress to date in the implementation of the resolution. They also expected that the resolution would be implemented comprehensively. Members also encouraged all Lebanese parties to fully engage in the national dialogue process and to commit themselves to achieving meaningful progress.

General issues

Women and peace and security

On 29 October, the Council held an open debate on women and peace and security, at which the Under-Secretary-General for Peacekeeping Operations presented an update on progress in the contribution of women to the prevention and resolution of conflicts and peacebuilding. The Council was also briefed by the Special Adviser on Gender Issues and Advancement of Women, Rachel Mayanja, on the Secretary-General's latest report (S/2008/622). At the end of the debate, the Council adopted a presidential statement (S/PRST/2008/39), in which it recognized the need to facilitate the full and effective participation of women in peace processes and peacebuilding, and urged Member States and international, regional and subregional organizations to take measures to increase the participation of women in conflict prevention, conflict resolution and peacebuilding. It also called upon the Secretary-General to appoint more women to pursue good offices on his behalf.

Post-conflict peacebuilding

On 21 October, during an open debate on post-conflict peacebuilding, the Council invited the Chairperson of the Peacebuilding Commission, Yukio Takasu, to introduce the report of the Peacebuilding Commission on its second session (S/2008/417). The Council also heard statements by the representatives of Bangladesh, El Salvador, Guinea-Bissau, the Netherlands, Norway and Sierra Leone, at their request. The Council members commended the Commission and the Peacebuilding Support Office for their work in the second year of operation. They encouraged the Commission to further improve its working methods, in order to assist the countries concerned in delivering peace dividends on the ground. They supported the Commission's intention to strengthen its coordination and cooperation with relevant stakeholders, to better implement its mandates. The Council members also extended their support for strengthening interaction between the Council and the Commission.

Non-proliferation/Democratic People's Republic of Korea

On 3 October, in consultations of the whole, the Chairman of the Committee established pursuant to resolution 1718 (2006), Ambassador Giulio Terzi di Sant' Agata of Italy, presented his 90-day report in accordance with paragraph 12 (g) of resolution 1718 (2006), which covered the work of the Committee during the period from 3 July to 2 October.

International Court of Justice

On 28 October, the Council, at a private meeting, heard a briefing from the President of the International Court of Justice, Judge Rosalyn Higgins, on the work of the Court in relation to the work of the Council.

Report of the Security Council to the General Assembly

On 30 October, the Council held a public meeting to adopt its annual report to the General Assembly, covering the period from 1 August 2007 to 31 July 2008. The introduction to the report was prepared by the delegation of Viet Nam, as presidency of the Council in July 2008. The body of the report was prepared by the Secretariat. This decision was reflected in a note (S/2008/678) by the President of the Council.

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Security Council

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10 November 2008

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Letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council

As you know, Security Council members agreed to the proposal of Costa Rica to hold an open debate in the Council on 19 November.

I have the honour to enclose, on behalf of my delegation, a concept paper for that debate (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Jorge **Urbina**
Permanent Representative

08-59669 (E) 121108

Annex to the letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council

Concept paper presented by Costa Rica

Strengthening collective security through general regulation and reduction of armaments: the safest road to peace and development

Security Council thematic debate
19 November 2008

Introduction/ Background

1. According to Article 24 of the Charter, the Security Council has the primary responsibility for the maintenance of international peace and security, acting on behalf of all Member States. It also has the obligation to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources. To do so, the Security Council is mandated to formulate plans to be considered by the General Assembly for the establishment of a system for the regulation of armaments (Article 26).

2. Both the General Assembly and the Security Council have explicitly recognized and accepted the necessity of a general regulation and reduction of armaments and armed forces, with a view towards strengthening international peace and security, regarding the problem of security as closely connected with that of disarmament (General Assembly Resolution 41(1) and Security Council Resolution 18(1947).

3. The historical situation that confronted the Security Council in the forty years following these resolutions meant that it was not propitious for the Council to take up the aforementioned mandates. However, that situation changed in the 1990s and, with the situation confronting the world in 2008, it is now entirely appropriate and indeed necessary for the Council to revisit these fundamental responsibilities bestowed on it by the Charter.

4. In the context of the challenges and opportunities of the twenty-first century, the regulation or limitation of armaments should be understood as one element of the broader and more comprehensive design for the maintenance of international peace and security. It should be seen as part of the toolkit the United Nations has at its disposal to enhance the stability of international relations, development and the peaceful settlement of disputes.

5. Within the United Nations there is a clear division of labour in this field. Article 11.1 of the Charter defines in more detail the general authority of the General Assembly to discuss any matter or question within the scope of the Charter, highlighting the general principles of co-operation in the maintenance of international peace and security and the principles governing disarmament and the regulation of armaments. It also grants the Assembly authority to make recommendations to the Security Council and/or to Member States. The Council, by contrast, pursuant to Article 26, has specific responsibilities to promote the establishment and maintenance of international peace and security through, inter alia, proposing concrete plans for the establishment of a system for the regulation of armaments to be approved by the Assembly.

6. There are therefore concurrent responsibilities for both the General Assembly and the Security Council. Acting on the 1947 recommendations of the Assembly, the Council should start considering, with the support of the Secretariat and the all too obscure Military Staff Committee, concrete and actionable proposals on this important issue, particularly if we acknowledge that in the absence of international coordination, military spending is liable to be excessive.

7. This should also serve as an opportunity to comply with the request made by the Heads of State and Government during the 2005 World Summit to consider the composition, mandate and working methods of the Military Staff Committee.

8. Since peace and security, development and human rights are interlinked and mutually reinforcing, only an effective multilateral system of collective security, based on a new security consensus, can achieve the lofty goal of saving future generations from the scourge of war.

9. The multiple and complex challenges the world is facing today should serve as an incentive to revisit the implementation of Article 26 of the Charter. There is a need to develop a new security consensus that, among other things, factors in the price of inaction, or ineffective action, of the collective security mechanisms and the armaments race it promotes.

Objectives / Challenges

10. Today, perhaps more than ever before, it should be absolutely clear that the peoples of the world will not enjoy development without security, will not enjoy security without development and will not enjoy either without respect for human rights. Unless all these goals are simultaneously advanced, none will succeed.

11. The World Summit Outcome (General Assembly resolution 60/1) reaffirmed in 2005 the vital importance of an effective multilateral system, in accordance with international law, to better address the multifaceted and interconnected challenges and threats confronting our world. It also reaffirmed the importance of an effective multilateral system to achieve progress in the areas of peace and security, development and human rights, which are the pillars of the United Nations system and the foundations for collective security and well-being.

12. However, multilateralism, the notion of collective security and the authority of the Security Council as its primary guarantor have seen their foundations eroded or questioned.

13. We need to ensure that States abide by the treaties they have signed and ratified so that all can continue to obtain the benefits. Within this context, no treaty is more important than the Charter. More consistent monitoring, more effective implementation and, where necessary, firmer enforcement of treaty obligations are essential if States are to have confidence in multilateral mechanisms and use them to avoid conflict. This seems to be the rationale behind the special powers given to the Security Council to ensure prompt and effective action in the maintenance of international peace and security.

14. We are at a crucial stage of transformation in the international system. We need to develop a common vision and recommit to multilateralism and to the rule of law at the international level.

15. Collective security today depends on effective cooperation among the United Nations and regional organizations, as well as on accepting that the threats perceived by each region of the world as most urgent are, in fact, equally important for all.

16. Experience demonstrates that regional arrangements and organizations play a pivotal role in the promotion and maintenance of international peace and security. This synergy is stressed in Chapter VIII of the Charter, and has been later considered in several presidential statements and Security Council resolutions, inter alia, resolutions 1625 (2005),1631 (2005) and 1809 (2008).

17. A constructive and proactive interaction between such regional arrangements and the Security Council needs to be further developed. There is an urgent need to go beyond mere recognition of the fact that regional organizations are well positioned to understand the root causes of armed conflicts owing to their knowledge of the region, and that this can be a benefit for their efforts to influence the prevention or resolution of these conflicts. This partnership should also be activated in the context of the work of the Council on the regulation of armaments, under Article 26.

18. An enhanced system of regional arrangements, duly coordinated, mandated and supported by the United Nations, in particular by the Security Council, can help prevent and positively address conflict, including its root causes and triggers.

19. The public good of national security can potentially be supplied both more reliably and more cheaply by regional cooperation. If the "neighbourhood" could credibly commit to respecting the security of each country by maintaining collectively agreed levels of military spending, with the Security Council and regional organizations serving as effective guarantors of compliance, national security would be enhanced relative to the more precarious peace of mutual deterrence, and substantial resources would be spared for other uses, including for development.

20. This approach could help the international community, in particular developing countries, to overcome the vicious armaments race that seems to be gaining momentum in several regions of the world, competing with the prioritization of social expenditure and the international agreed development goals, including the Millennium Development Goals, and negatively affecting human security.

21. The responsibility and mandate of the Security Council goes beyond the mere maintenance of international peace and security. It also includes the obligation to actively promote its establishment and maintenance with the least diversion for armaments of the world's human and economic resources. Current developments and circumstances require that we urgently build consensus on major threats and challenges and translate that consensus into concrete action, including addressing the root causes of those threats and challenges with resolve and determination.

United Nations A/63/533–S/2008/698

General Assembly
Security Council

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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 6 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel by air, sea and land during the month of October 2008 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-59812 (E) 121108 131108

Annex to the identical letters dated 6 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during October 2008

Air violations				*Sea violations*	*Land violations*				*Overall total*	*Previous month's violations*
					Military acts of aggression	*Field violations*	*Breaches*	*Total*		
Military jet	**Reconnaissance**	**Helicopter**	**Total**	Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of flare shells, dropping of artillery shells, infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
11	**14**	**—**	**25**	**11**	**—**	**5**	**1**	**6**	**42**	**100**

United Nations A/63/534–S/2008/699

General Assembly
Security Council

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General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 6 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of violations committed by Israel from 15 to 31 October 2008 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-59847 (E) 121108 131108

Annex to the identical letters dated 6 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 15 to 31 October 2008, inclusive

Air violations

On 19 October 2008 between 1945 and 2145 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and circling the South before departing over Naqurah.

On 20 October 2008 at 1850 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and circling over areas of the Bekaa and the South, before departing on 21 October 2008 at 0655 hours over Naqurah.

On 22 October 2008 between 1645 and 1800 hours, enemy Israeli military aircraft flew over the areas of Tibnin and Bint Jubayl.

On 23 October 2008 between 1310 and 1525 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Dayr Mimas and circling over all areas of Lebanon before departing over the sea off Naqurah.

On 26 October 2008 between 1805 and 2300 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over areas of the South and then departed over Rumaysh.

On 30 October 2008 between 0700 and 1700 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre. It circled over areas of the South and between the South and Beirut before departing over Rumaysh.

- Between 2132 and 2310 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Maysan and flying north as far as Shikka. They circled over all areas of Lebanon and then departed over Alma al-Sha'b.

On 31 October 2008 between 0955 and 1030 hours, six enemy Israeli military aircraft violated Lebanese airspace, entering over Alma al-Sha'b. They circled over all areas of Lebanon before departing over the sea off Naqurah.

- Between 1005 and 1045 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over the sea off Batrun. They circled over all areas of Lebanon before departing over the sea off Naqurah.

- Between 1010 and 1130 hours, four enemy Israeli military aircraft violated Lebanese airspace over the sea off Batrun and flying east. They circled over all areas of Lebanon before departing over Alma al-Sha'b.

- Between 2120 and 2200 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre. It circled over the sea off Beirut before leaving over the sea off Beirut.

Sea violations

On 19 October 2008 at 1935 hours, a Lebanese fishing vessel approached the line of buoys and an enemy Israeli gunboat fired tracer rounds over the vessel, warning it to keep its distance. At 1900 hours, it returned to the same place and the enemy gunboat again fired tracer rounds and a flare shell for 10 seconds, and shone a searchlight for 15 seconds.

On 22 October 2008 at 0530 hours, an enemy Israeli boat which was about 500 metres south of the line of buoys and 5,000 metres from the coast fired tracer rounds into the air in the direction of Lebanese territorial waters.

On 26 October 2008 between 1345 and 1400 hours, an enemy Israeli gunboat in Palestinian territorial waters off Ra's al-Naqurah which was carrying out maintenance on the demarcation buoys violated Lebanese territorial waters to a distance of 5 metres.

- At 1955 hours an enemy Israeli gunboat in occupied Palestinian territorial waters off Ra's al-Naqurah shone a searchlight for one minute in the direction of Lebanese territorial waters.

On 27 October 2008 between 0915 and 1030 hours, an enemy Israeli gunboat carrying out maintenance on the line of buoys in the open sea off Ra's al-Naqurah inside occupied Palestinian territorial waters violated Lebanese territorial waters to a distance of about 2 metres.

Attacks on ground

On 19 October 2008 at 0700 hours during a patrol carried out by the Lebanese Army (11th Engineering Brigade) on the Blue Line at point BP 17 (Yarun) an enemy Israeli sentry came out of his pillbox and shouted insults. The patrol carried on its way towards Wadi Sa'sa' without responding.

Israeli activities

On 15 October 2008 in certain areas of Mount Lebanon and at various times, a number of people received calls of unknown origin from an answering machine announcing that 10 million dollars would be paid to anyone giving information about the missing Israeli soldiers.

On 16 October 2008 at 1220 hours inside occupied Palestinian territory at the crossing point by the town of Kafr Killa, an enemy Israeli patrol arrived comprising two Hummer vehicles, a Poclain jackhammer and two civilian cars carrying surveying equipment. The jackhammer was used to open up the crossing and to dig a ditch 20 metres long and 1 metre wide parallel to the road from the Israeli side in which the members of the patrol placed concrete blocks.

On 21 October 2008 between 1320 and 1350 hours, an enemy Israeli boat at a distance of 100 metres south of the line of buoys and 50 metres from the shore dumped an explosive charge into the water as a warning to Lebanese swimmers 1,500 metres north of the line of buoys.

On 22 October 2008 at 0050 hours, an enemy Israeli boat at a distance of 100 metres south of the line of buoys and 500 metres from the shore dumped an explosive charge and at 0610 hours it dumped two explosive charges into the water to protect the area from what the enemy claimed was a floating canister.

On 25 October 2008 between 2220 and 2355 hours inside occupied Palestinian territory by the town of Kafr Killa at the Fatima gate, two Hummer jeeps and two Toyota jeeps were observed with nine people on board carrying out an inspection of the gardens using the jeeps' searchlights and handheld torches. During the inspection, they fired 18 flare shells over the area.

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Letter dated 10 November 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter dated 7 November 2008 from Isaias Afwerki, President of the State of Eritrea, addressed to you, concerning peace and security in Eritrea-Ethiopia and Djibouti-Eritrea (see annex). In this connection, I wish to draw your attention to the Eritrea-Ethiopia Boundary Commission Order of 17 July 2002 (see S/2002/853, enclosure). As noted in the annex to the present letter, the Order of the Boundary Commission was endorsed by the Security Council in its resolution 1430 (2002).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

08-59709 (E) 121108

Annex to the letter dated 10 November 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

The Government of Eritrea has learned that the Security Council is mulling over the options of issuing a presidential statement or resolution against Eritrea in support of and to condone the unfounded accusations levelled by Djibouti.

The irony of this drama cannot be overemphasized. As may be recalled, the Security Council passed resolution 1430 (2002) in August 2002, in which it requested Ethiopia to dismantle, within 30 days, its illegal settlements in and occupation of, the sovereign Eritrean territory of Dembe Mengul in western Eritrea. Ethiopia ignored the resolution and the Security Council failed to take any remedial action.

Ethiopia continues to occupy the town of Badme and other Eritrean territories in violation of fundamental tenets of international law. Ethiopia's acts, which have been tolerated for the past six years by the Security Council, constitute a flagrant breach of the Algiers Peace Agreement and of Articles 2.4 and 33 of the Charter of the United Nations on the non-use of force against the territorial integrity of a Member State and the commitment of Member States to the pacific settlement of disputes.

In April 2008, Ethiopia went a step further to occupy and deploy offensive weapons on the Eritrean part of Mount Musa Ali on the Ethiopia-Djibouti and Eritrea junction.

In view of these facts, why is the Security Council bracing today to take punitive action against Eritrea on, at best, a putative and, at worst, a manufactured border dispute when it has kept mum for all these years on Ethiopia's repetitive and grave violations of international law that are fraught with plunging the region into another cycle of violent confrontation?

Eritrea is not, of course, in a position to explain this overly lopsided stance. Eritrea can only emphasize that double-standards will further erode the moral authority of the Security Council and contribute to greater regional destabilization.

(*Signed*) Isaias **Afwerki**

United Nations S/2008/701

Security Council

Distr.: General
11 November 2008
English
Original: French

Letter dated 10 November 2008 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the following documents (see annex):

1. Statistics on the repatriation of Rwandan refugees to North Kivu for 2008

2. Record of repatriation of Rwandan refugees to North Kivu from January 1999 to November 2008

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

08-59721 (E) 121108 121108

Annex to the letter dated 10 November 2008 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

National Commission for Refugees, Goma: Repatriation of Rwandan refugees to North Kivu (2008 Statistics)

Period year	*Men*	*Women*	*Children*	***Total***	*Comments*
2008					
January	26	48	86	**160**	74 families
February	25	75	131	**231**	97 families
March	22	75	115	**212**	95 families
April	58	118	236	**412**	174 families
May	43	136	214	**393**	178 families
June	37	122	222	**381**	152 families
July	50	172	285	**507**	221 families
August	54	178	286	**518**	229 families
September	37	103	203	**343**	137 families
October	6	59	94	**159**	63 families
November[a]	18	35	67	**120**	89 families
Total[b]	**376**	**1 121**	**1 939**	**3 436**	**1 509 families**

[a] As of 6 November.
[b] As of 6 November.

National Commission for Refugees, Goma: Repatriation of Rwandan refugees to North Kivu (cumulative statistics by year)

Period/year	*Men*	*Women*	*Children*	***Total***	*Comments*
1999				**23 521**	Repatriation carried out by the North Kivu governora.
2000	2 608	4 798	9 108	**16 514**	United Nations Office of the High Commissioner for Refugees/North Kivu governorate partnership
2001	1 098	2 654	5 394	**9 146**	"
2002	750	1 858	3 250	**5 858**	"
2003	1 039	2 741	4 434	**8 214**	"
2004	559	1 662	2 564	**4 785**	"
2005	356	1 454	2 342	**4 152**	"
2006	248	928	1 334	**2 510**	"
2007	255	876	1 418	**2 549**	United Nations Office of the High Commissioner for Refugees/National Commission for Refugees partnership dates from 1 August 2007
2008					
January	26	48	86	**160**	74 families
February	25	75	131	**231**	97 families
March	22	75	115	**212**	95 families
April	58	118	236	**412**	174 families
May	43	136	214	**393**	178 families
June	37	122	222	**381**	152 families
July	50	172	285	**507**	221 families
August	54	178	286	**518**	229 families
September	37	103	203	**343**	137 families
October	6	59	94	**159**	63 families
November[a]	18	35	67	**120**	89 families
Total[b]	**376**	**1 121**	**1 939**	**3 436**	**1 509 families**
Grand total				**80 685**	

[a] As of 6 November.
[b] As of 6 November.

United Nations S/2008/702

Security Council

Distr.: General
11 November 2008

Original: English

Letter dated 10 November 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour of writing to you in your capacity as the President of the Security Council for the month of November 2008 to request your kind assistance in circulating the present letter and the annex joint declaration of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation, dated 2 November 2008, as a document of the Security Council.

(*Signed*) Vitaly **Churkin**

08-59715 (E) 121108 131108

Annex to the letter dated 10 November 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Joint Declaration of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation, Meiendorf Castle, Moscow Province, 2 November 2008

The Presidents of the Republic of Armenia, the Republic of Azerbaijan and the Russian Federation, having met on 2 November 2008 in Moscow at the invitation of the President of the Russian Federation,

Having held substantive and comprehensive discussions in a constructive spirit on the current status and prospects for a political settlement of the Nagorny Karabakh conflict through continued direct dialogue between Armenia and Azerbaijan mediated by the Russian Federation, the United States of America and France as Co-Chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group,

1. Declare that they will work towards improving the situation in the South Caucasus and establishing stability and security in the region through a political settlement of the Nagorny Karabakh conflict, on the basis of the principles and norms of international law and the decisions and documents adopted in this framework, which will create favourable conditions for economic development and comprehensive cooperation in the region;

2. Affirm the importance of the continued mediation efforts of the Co-Chairs of the OSCE Minsk Group, taking into account the outcome of the meeting of the parties in Madrid on 29 November 2007 and the subsequent discussions on the further development of the main principles of a political settlement;

3. Agree that the peaceful settlement must be accompanied by legally binding international guarantees for every aspect and stage of the settlement process;

4. Note that the Presidents of Armenia and Azerbaijan have agreed to continue their work, including during further contacts at the highest level, to reach an agreed political settlement of the Nagorny Karabakh conflict and have instructed their respective foreign ministers to take further action in the negotiation process in liaison with the Co-Chairs of the OSCE Minsk Group;

5. Consider it important to support the creation of favourable conditions for taking confidence-building measures in the context of the efforts to reach a settlement.

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Security Council

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12 November 2008

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Letter dated 31 October 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the additional requirements requested for the Mission in the light of the persistent crisis in eastern Democratic Republic of the Congo. As you will recall, Alan Doss, my Special Representative for the Democratic Republic of the Congo, outlined these additional requirements during the Security Council consultations on 3 October 2008. At the request of Security Council members, the Department of Peacekeeping Operations also presented a detailed technical brief on the additional requirements to Council members on 8 October 2008.

By its presidential statement of 29 October 2008 (S/PRST/2008/40), the Security Council duly noted the reinforcement of MONUC requested by the Secretariat and expressed its intention to expeditiously study that request in view of the developments of the situation on the ground.

In this regard, an explanatory note dated 31 October 2008 by the Department of Peacekeeping Operations on the additional requirements for MONUC is attached to the present letter (see annex).

(*Signed*) **Ban** Ki-moon

08-59966 (E) 131108

Annex to the letter dated 31 October 2008 from the Secretary-General to the President of the Security Council

Explanatory note by the Department of Peacekeeping Operations regarding the additional requirements for the United Nations Organization Mission in the Democratic Republic of the Congo

Background

1. By its resolutions 1756 (2007) and 1794 (2007), the Security Council requested the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to attach the highest priority to addressing the crisis in the Kivus in all its dimensions. In the same resolutions, the Council provided the Mission with an extensive mandate to, inter alia, ensure the protection of civilians and humanitarian personnel; contribute to the improvement of the security conditions in which humanitarian assistance is provided; assist in the voluntary return of refugees and internally displaced persons; deter any attempt at the use of force by foreign and Congolese armed groups to threaten the political process; support operations led by the Armed Forces of the Democratic Republic of the Congo (FARDC), including disarming the recalcitrant armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the disarmament, demobilization, repatriation, resettlement and reintegration process; facilitate the voluntary demobilization and repatriation of disarmed foreign combatants; provide, in the short term, basic training to FARDC deployed in eastern Democratic Republic of the Congo; and protect United Nations personnel and facilities, and ensure the security and freedom of movement of United Nations personnel.

2. Since the adoption of the mandate resolutions referred to above, developments on the ground have resulted in a significant increase in the number and complexity of tasks performed by MONUC. The Goma process led to additional tasks for the Mission, including support for its implementation, as well as the implementation of the disengagement plan proposed by MONUC following the resumed fighting last August. In addition, the resumption of conflict in Ituri and in Haute-Uele has placed additional burdens on the Mission, stretching its capacity beyond the limit. These additional tasks thinly stretched the Mission's deployment and left the Mission without a reserve force. Furthermore, the current crisis emanating from the recent offensive by the Congrès National pour la Défense du Peuple (CNDP) clearly underscored that the resources available to the Mission are not commensurate with the security challenges on the ground, thereby putting in question the credibility of the United Nations and the international community, which has invested so much in bringing peace to the Democratic Republic of the Congo. The priority to protect Goma through a series of reinforcements has significantly reduced the MONUC presence in other critical areas of the country.

3. On 3 October, the Special Representative of the Secretary-General, Alan Doss, outlined to the Security Council the additional capacities that MONUC requires in order to respond to the emerging multiple demands to effectively implement its mandate. At the request of Council members, on 8 October the Department of Peacekeeping Operations provided a detailed technical briefing at the expert level

on these additional requirements and on the envisaged reconfiguration plans for MONUC.

Reconfiguration of the Mission

4. The international community's position is unanimous regarding the dire consequences of the fall of Goma to CNDP rebels on the overall situation in the Democratic Republic of the Congo and in the Great Lakes region. In view of the near total disintegration of the FARDC in the face of advancing CNDP troops, MONUC has become the only organized force in Goma and has been compelled to step in to substitute for the role of the national security forces.

5. The measures taken to reinforce the MONUC presence in Goma have increased its troop strength in the city to some 1,500 troops. In addition, two companies are deployed as part of the forward defence line north of the city on the Rutshuru-Goma axis. A special forces company from the Ituri brigade has also been redeployed to Goma, along with the repositioning of two attack helicopters, from the Ituri and South Kivu brigades. A South African company currently based in Ngungu is also being redeployed to Goma. Additionally, the area of responsibility of the South Kivu brigade has been expanded northwards in the southern area of North Kivu in order to relieve units of the MONUC North Kivu brigade, which will be redirected to tasks in the Goma area. Additional redeployments from within the Mission are also being considered.

6. The above redeployments conducted in response to the current crisis have dovetailed into the rebalancing of the force which was already under way to enhance the Mission's effectiveness and increase its focus and activities towards the Kivus. This rebalancing of the force was being conducted in the context of support for the implementation of the disengagement plan, in particular the creation of separation zones, as well as support for the United Nations stabilization strategy for eastern Democratic Republic of the Congo.

Additional capacities required for the effective implementation of the mandate

7. The required additional capacities identified below are intended to achieve the following specific objectives: (a) give MONUC the lacking quick response capability that would have enabled it to effectively respond to the current crisis; (b) ensure that the Mission has adequate mobility to enable it to move troops to any crisis point in a timely manner; (c) give the Mission the capability to carry out essential engineering work in sensitive areas where civilian engineering contractors cannot operate; and (d) ensure that the Mission has the necessary surveillance capabilities in terms of both equipment and personnel. These additional capabilities are critical for the Mission's ability to carry out tasks that would enable the parties to progress within the ceasefire and disengagement phases to the demobilization phase of the peace process. If the armed groups and the FARDC comply with the disengagement plan and return to the implementation of the Goma and Nairobi processes in good faith, it is envisaged that the surge capacity requested below will be required for a period of approximately nine months.

(a) Two infantry battalions (850 each) would be initially deployed to stabilize the situation in North Kivu. Along with these two battalions, two special forces companies (150 each) would constitute the Mission's rapid reaction force and reserve, enabling the Mission to respond to crises as they arise, without

compromising or weakening its presence elsewhere. While this rapid reaction force would be based in the Goma area, the nature of its tasks would require it to be highly mobile.

(b) In order to enhance the operational mobility of MONUC, additional air assets are required, namely, 18 utility helicopters (260 personnel, including crew and ground staff) and two C-130 Hercules aircraft (50 personnel, including crew and ground staff). These additional air assets would be based in North and South Kivu. Tasks for the assets would include: heavy and medium lift transportation requirement; air mobility for lifting units into areas for military operations; logistic support to isolated mobile operating bases and company operating bases; medical evacuation and casualty evacuation; extraction and evacuation of United Nations and other international personnel under imminent danger.

(c) A rapid reaction force/special forces would provide the surge needed by the Mission until the first phase of the disengagement plan is completed, including the establishment of the zones of separation, disengagement of troops, assembly, demobilization and disarmament of combatants.

(d) Additional information analysis capability is also needed for advanced information collation, analysis and dissemination to enhance situational awareness and to enable timely decision-making. This would include external imagery/electronic equipment and associated analysis structure. The strength implications would be an augmentation of approximately 50 personnel. This capacity would also be based in the Goma area.

(e) One engineer company (175) is needed to support the above-mentioned surge requirements and to execute horizontal engineering works to improve the ground mobility of MONUC forces. The company would operate in sensitive areas where civilian engineering contractors cannot be deployed.

(f) A total of 200 military training instructors/advisers are requested to support and enhance MONUC's ongoing training programmes to the FARDC.

(g) Two additional formed police units are also required (150 each) in order to relieve MONUC military units which are currently diverted to static and force protection tasks. It would also enhance the Mission's capability to protect United Nations personnel and facilities in major population centres. Both formed police units would be deployed in North Kivu.

8. These additional capacities would result in an increase of 2,785 to the MONUC authorized military strength, and 300 to its formed police unit strength.

United Nations A/63/543–S/2008/704

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Security Council

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General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus

Security Council
Sixty-third year

Letter dated 7 November 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 1 August 2008 from the Chargé d' affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to you, I have the honour to draw your attention to new violations of international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded from 30 July to 31 October 2008, as follows:

On 30 July 2008, four F-16 Turkish military aircraft twice violated international air traffic regulations and one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 31 July 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 2 August 2008, two Cougar Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 4 August 2008, two CN-235 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 5 August 2008, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus once.

On 6 August 2008, one C-130 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 7 August 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

08-60116 (E) 181108

On 8 August 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and four CN-235 and four Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 11 August 2008, one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 12 August 2008, six F-16, two RF-4 and three CN-235 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus twice.

On 13 August 2008, one B-200 and one CN-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 14 and 15 August 2008, four CN-235 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 18 August 2008, four F-16 and two RF-4 Turkish military aircraft twice violated international air traffic regulations.

On 20 August 2008, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 26 August 2008, one Bell Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On the same day, two F-16 Turkish military aircraft violated international air traffic regulations, and one Cougar and one B-200 violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 28 August 2008, two Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 30 August 2008, two Bell Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 1 September 2008, two CN-235 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 2 September 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and three CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus twice.

On 3 September 2008, two C-130 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 4 September 2008, two CN-235 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 7 September 2008, one CN-235 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 9 September 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 10 September 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and three CN-235 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus twice.

On 11 September 2008, one CN-235 Turkish military aircraft violated international air traffic regulations.

On 15 September 2008, one CN-235 Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 17 September 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and two CN-235 Turkish military aircraft twice violated the national airspace of the Republic of Cyprus.

On 18 September 2008, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus once.

On 19 September 2008, two CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 24 September 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and two CN-235 and one B-200 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 25 September 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 26 September 2008, two Bell Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 1 October 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 7 October 2008, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 8 October 2008, two F-16, three CN-235 and one Bell Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus six times.

On 9 October 2008, one Bell Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 10 October 2008, two Cougar Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 14 October 2008, four F-16 Turkish military aircraft violated international air traffic regulations, and one CN-235 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 16 October 2008, two Cougar and one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus once.

On 17 October 2008, two Cougar Turkish military aircraft twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus.

On 20 October 2008, one GLF-5 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 21 October 2008, two F-16 and one CN-235 Turkish military aircraft twice violated international air traffic regulations.

On 22 October 2008, four C-160 violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 28 October 2008, one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 30 October 2008, two F-16 Turkish military aircraft violated international air traffic regulations, and two CN-235, one B-200 and one Cougar Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 31 October 2008, two B-200 and two CN-235 violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On behalf of my Government I strongly protest the aforementioned provocations by Turkey and call for their immediate cessation. Turkey's policy of non-observance of rules and regulations governing international aviation continues to gravely jeopardize flight safety and perpetuate insecurity and apprehension on the island. Furthermore, Turkey's persistent provocations, aimed at consolidating the de facto division of Cyprus and further strengthening the illegal secessionist entity in the occupied areas, seriously undermine all efforts towards reunification and reconciliation. At the same time, such provocations indicate that Ankara's policy

towards Cyprus remains one of aggression and disrespect for international law and principles.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Minas A. **Hadjimichael**